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International Court of Justice

H0112-0002

Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 17 April, 1946, 1000-1700, Lord Justice Lawrence, presiding.

MR. DODD: Just before recess yesterday afternoon the Tribunal inquired as to the status of the Frank document book and when I informed the Tribunal that we were prepared to be heard Dr. Seidl advised that we had a pact to which we had agreed. I was not aware of that at the time. I think we were both a little bit in error. The situation is that last night about 6:00 o'clock we did reach an agreement so that there is no difficulty at all about the Frank books.

DR. THOMA: I would like to make a brief correction. Yesterday we discussed a document as to the reasons for the Special Staff Rosenberg. My client repeatedly asked me to bring in this document. There is a possibility that I confused this document with other documents which I requested but which were not grated me and I just wanted to make that correction at this time.

THE PRESIDENT: Yes. You do not want to do anything more than just make that verbal correction?

DR. THOMA: Yes.

THE PRESIDENT: Is there any other defendant's counsel who wishes to ask any questions?

BY DR. HANNSEL (Counsel for SS):

Q. Witness, are you of the opinion that you, as Plenipotentiary of the Fuehrer, were carrying out the spiritual objectives of the N.S.D.A.P. and its subsidiary organizations? Are you of the opinion that that which you did in carrying out these objectives for the planned combating of Jewry and that every thing you said and wrote was as an official statement of the Party and may be considered as an official statement?

A. If I may answer this long series of questions one by one I would like to say my office as far as spiritual education was concerned worked with the

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Hauptschulungsamt, with the main school system of the SS. We were in constant contact with them. My office distributed the "Leitheft" of the SS, which was a journal which was published. I myself read this journal, had it in my hands, and through the years found that in this journal at least very valuable thoughts were published and, of course, I had through all these years reason to work with the SS and not to enter into any conflict with them.

As far as the Jewish question is concerned, the objective as to this problem was contained and expressed in the program of the N.S.D.A.P. and that is the only official statement to which I tried to keep the Party members. Anything which I said about that point and what others wrote about it were just reasons that were set forth. Much of what was said was accepted but as far as the Fuehrer and the state was concerned, any thoughts that were advanced were not binding to the Fuehrer and to the state.

Q. Was your objective as to combatting Jewry limited in any way? Did you picture that the Jews were to be eliminated from economic and state administration or did you view stronger measures such as extermination as necessary? What was your final objective?

A. According to the Party program and in line with the objective I had, the leadership and the directions in the German state were to be changed as it existed from 1918 to 1933 and that was the vital point. As far as elimination from economic life was concerned we did not talk about it at that time.

Yesterday I referred to two speeches and I said that after the end of this harsh political battle an investigation and examination of the question would have to take place and emigration from Germany was talked about as far as Jews were concerned. Later when matters became more critical I uttered the same thoughts and very prominent Jewish leaders made proposals that German unemployed be sent to Africa, Asia and China.

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Q Then, following your train of thought of yesterday and today, one could differentiate three kinds of measures against the Jews. First, up until '33, that is the taking over of power; that would have been propaganda measures. Point 2: After '33, those measures which were shown in the laws against the Jews which were issued; and then, finally, after the war, certain measures which without doubt can be considered crimes against humanity. Do you agree to this tripartite arrangement?

A Yes, it may be approximately right.

Q Then, I would like to call your attention to group 2; that is, to those measures which were instituted after the taking over of power and which were laid down in laws against the Jews. Did you participate in the formulating of the laws?

THE PRESIDENT: You are counsel, are you not, for the SS?

DR. HAENSEL: Yes.

THE PRESIDENT: What have those questions got to do with the SS?

DR. HAENSEL: The questions concern the SS in the following way: If the Party in itself had the total objective of laws against the Jews, the SS was bound to these objectives and could not go beyond these objectives and had none beyond that point. I wanted to establish when the making of laws and measures against Jews turned into criminal acts, and that up until that time the SS in no manner took criminal measures against the Jews.

THE PRESIDENT: Well, he said already that the Jewish problem was contained in the Party program, and that is all that you want, is it not?

DR. HAENSEL: I wanted to show that the fact that this question was contained in the Party program did not mean that it was a crime against humanity. In the Party program there was just a general sentence which I do not believe that,

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as such, it was a crime against humanity and--

THE PRESIDENT: That is a matter of construction of the Party program. It is not a matter for him to give evidence about. It is in a written document. The Party program is contained in the written documents.

DR. HAENSEL: But, Mr. President, up and above the Party program, a series of decrees and laws were issued which expanded the Party program and the question;;

THE PRESIDENT: They are also documents which this Tribunal has to construe; not for this witness to construe.

DR. HAENSEL: The question is, in so far as the defendant can tell us, how far the SS might have gone in the carrying out of these measures.

THE PRESIDENT: He can tell us the facts; he cannot tell us the laws or the interpretation of documents. If you are asking him about facts, well and good, but if you are asking him to interpret the Party program or to interpret the decrees, that is a matter for the Tribunal.

DR. HAENSEL: Very well.

BY DR. HAENSEL:

Q In your book you mentioned and represented the objective that all Germans should be unified in a greater Germany and that point is set down in the Party program.

A Yes.

Q Did you believe that this could happen only through the preparation of a war or did you believe, also, that it could be arranged through peaceful means?

A In the beginning of my testimony I referred to a speech of 1932 before an International Congress, at which I made a speech and gave a proposal which was approved by the Fuehrer, that the four great powers should investigate and examine the general European problems. In these proposals they said that we would dispense with German colonies; that we would not insist on Alsace-Lorraine; and that we would not insist on

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the Southern Tyrol.

THE PRESIDENT: We have heard all this before from the defendant Goering and the defendant Ribbentrop, and we said that we did not want to go into it again. In any event, it has nothing to do with the SS, nothing directly to do with the SS.

BY DR. HAENSEL:

Q Just one more question. Do you know that the SS, as far as the Jews were concerned, followed secret aims and objectives, others than those that were declared officially?

A That I learned here.

Q You do not know that from your own knowledge?

A No.

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BY DR. STEINBAUER (Counsel for defendant Dr. Seyss-Inquart):

Q. Witness, I have one single question to put to you. The Prosecution under PS-91 submitted and read a letter which you, as the chief of the Rosenberg All Purpose Staff, sent to Dr. Seyss-Inquart in his capacity as Reichskommissar for the Netherlands, and in which letter you mentioned the library at Amsterdam and demanded that library. I do not know whether you recall this library. It is rather voluminous of Socialist, Marxist contents. The Prosecution did not submit the answer given by my client. Therefore, I have to ask you: Do you remember this matter and what answer did Seyss-Inquart give you?

A. I remember this library very well for I have been told about it. To my knowledge, we were concerned with the establishment of a spiritual central point, and Amsterdam, in which the history of all social movements in various countries was to be summarized and centralized in a library, so that on the basis of this historical and scientific material --

Q. Please try to be more brief. You know what I am talking about?

A. Yes.

Q. And what answer did you receive? Did Seyss-Inquart agree that this library would go to Germany or that it would remain in Germany?

A. It was agreed that this library would remain in Holland and that the cataloguing of these treasures, which were not in an orderly manner, was to take place in Amsterdam. In the course of years this took place at Amsterdam. In the year 1944, when the invasion had already begun or when it was imminent, when bombing attacks increased in this area, part of this library was taken to Silesia and another part, to my knowledge, remained in Emden; and the third part, I believe, was not transported.

Q. Is it correct that Seyss-Inquart prevented the taking away of this library?

A. Yes, that is correct.

CROSS-EXAMINATION

BY MR. DODD:

Q. Before we begin our discussion of some matters that we would like to go over, I wonder if you would be good enough to write your name a few times

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on these pieces of paper, both in pen and in pencil.

(Witness was handed paper, pen, and pencil.)

Q. (Continuing.) Would you write "A. Rosenberg", please, with the pen, and "Alfred Rosenberg" with the pen; and would you handwrite the first initial of your last name with a capital?

Now, would you do the same thing with pencil on another piece of paper, "A. Rosenberg" in pencil, "Alfred Rosenberg", and the first initial of your last name?

And then would you do one thing more, please, Would you print the first initial of your last name?

Now, yesterday afternoon, while you were on direct-examination through your own counsel, you stated before the Tribunal that you did have a discussion with Heinrich Himmler, the Reichsfuehrer SS, about concentration camps and, if I remember correctly, you said that that was some time in 1939; is that so?

A. Yes. I testified that I had this discussion with him; I discussed th concentration camps, but I cannot fix the exact date. It was in '38.

Q. Very good. He offered to have you go through one or the other of these camps, Dachau or some other camp; is that so?

A. Yes, he suggested that I look over the camps.

Q. And you refused or declined the invitation?

A. Yes.

Q. And I understood you, if I recollect correctly, you said, because you were quite sure that he would not show you the unfavorable things that wer in that camp?

A. I assumed more or less that if there were unfavorable things, I perha would not seen them anyway.

Q. You mean that you simply assumed that there were unfavorable things; that you didn't know there were unfavorable things?

A. I heard this through the foreign press.

Q. When did you first hear that through the foreign press?

A. That was in the first months of 1933.

Q. And did you continuously read the foreign press about the concentrati

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camps in Germany from 1933 to 1938?

A. I did not follow the foreign press at all for I do not speak English. On occasion I received some excerpts from time to time, and even in the foreign press there were certain references with the strict explanation that these allegations were not true. I remember a statement by Goering in which he said that it was beyond his comprehension.

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Q But you thought they were true to the extent that there were unfavorable things in that place that Himmler might not show you.

A Yes, I assumed that in such a revolutionary process a number of excesses were taking place, that in some Gaus or districts on occasion there might be conflicts, and that the fact of murders of National Socialists in the months subsequent to the taking over of the power most probably would call forth sharp counter measures.

Q Did you think that was still going on in 1938, these measures against the National Socialists in the concentration camps?

A No. The chief reports upon the continuance of murders of members of the Hitler Youth, of the police, and members of the Party, took place especially in 1943 and 1944, but I do not remember that many --

THE PRESIDENT: Did you say 1943 and 1944 or 1933 and 1934? Which is it?

THE WITNESS: 1933 and 1934.

BY MR. DODD:

Q But, in any event, in 1938 you had some knowledge in your own mind which made you think that it would not be profitable for you to inspect these camps because some things were going on there that would not be shown to you. Now, that is so, isn't it?

A No. I said very frankly that under some circumstances excesses might be taking place. I talked to Hitler about this matter, and I told him so that he knew that we knew about such things through the foreign press and that he should take care.

Q Now, turning to another matter, we also understood you to say yesterday that when you wrote your book, "The Myth of the Twentieth Century," you expressed your personal opinion and you did not intend it to have any great effect upon state affairs. Is that a fair statement of your testimony of yesterday with respect to your book?

A I did not quite follow the conclusion, but I must say yes. I wrote "The Myth of the Twentieth Century" in those years according to certain historical investigations, 1927 and 1928. It was published in 1938, and there was an introduction that this was a purely personal opinion, and that the political organization of which I was a member was not responsible for it.

Q Very good. I will ask that you be shown document 3553-PS. That is also, if

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Your Honor please, USA Exhibit 352. It is already in evidence.

Now, you wrote a preface or a little introduction for that edition of that book. It is right there before you. You said in it "To the 150th Thousand Copy: The Myth has today drawn deep, ineffaceable furrows into the emotional life of the German nation. Ever new editions are a clear indication that a decisive turning over of the spritual soil is growing into a historical event. Many things which in my book seemed to be a peculiar idea have already become a reality of state policy. Many other things will yet, I hope materialize as a further result of this new vigor."

You wrote that?

A That is entirely correct. This book of 700 pages does not apply to every point of which I am accused here. This book dealt with a large number of problems the problem of the peasants, of the world states, of the cocept of socialism, of the relation between leadership of industry and of labor, a present --

Q (Interposing) Now, just a minute. I don't think it is necessary for you to give us a list of the table of contents of the book. I simply asked you if you wrote that introduction.

A Yes. of course.

Q Now, with respect to the well-known forced labor program. I think it is perfectly clear to everyone who has been in attendance at these sessions before this Tribuanl, and of course to yourself, that there was a forced labor program in effect, or a so-called slave labor program, both in the East and in the Western occupied countries. Isn't that a fact?

A The law of the 21st of March is concerned herewith, that workers from the occupied countries were to be taken to Germany. In Germany there was a compulsory labor law.

Q Now, there are only two possible offices under the then German State which can by any stretch of the imagination be held responsible either in part or altogether for that forced orbslave labor program. Isn't that so? Two pricipal offices, at least.

A Yes.

Q And they were your ministry and the office of the defendant Sauckel. That is pretty simple. Is that true or not?

A It is correct that under the directive Gauleiter Sauckel and I were to have

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the same right, and all other high Reich authorities. I had the duty to carry through this directive according to all my powers in the Eastern territories.

Q Compulsory labor directives. Did you carry that out? Was that exercised under your ministry, the forcing of people to leave their homes and their communities to go to Germany to do work for the German State?

A I fought for about three-quarters of a year so that this call to the workers in the East would be put on a voluntary basis, and I have a record of a discussion with Gauleiter Sauckel in the year 1943, and you may see very unequivocally that at all times I made efforts to do this. I sent many leaflets. How many millions of brochures and pamphlets I distributed in these countries so that this principle would be carried through. hen I heard that the number of Germans which had to go to the front could not be replaced and the German workers were at an end, then I could not protest any longer, and that a call should be made to certain age classes and that the local authorities would help.

Q What you are telling us is you tried to get them voluntarily and you found they wouldn't go, so then you forced them to go. Isn't that so?

A That coercion took place is true and is not disputed. Where excesses took place--and some terrible excesses took place--I did my utmost to mitigate those conditions and to alleviate conditions.

Q All right. You of course had promulgated an order in your own ministry concerning compulsory labor, had you not?

A Yes. In the beginning a general law --

Q (Interposing) That's right, on the 19th of December 1941.

A It may be that that was the date.

Q Well, you can accept that as being so I think, that that is the date of your decree concerning compulsory labor, the compulsory labor, significantly--I want to make this very clear to you--in the occupied Eastern territories.

A Yes.

Q That order was promulgated by you as the Reich Minister for the Occupied Eastern Territories.

A Yes.

Q I ask that you be shown Document 1975. It is USA Exhibit 820, already in evidence--not in evidence, I'm sorry. I am now offering it.

I don't care to stress this document too much except to have you verify the

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fact that this is the order which you promulagated, and in the first paragraph with the small figure 1, you stated:

"All inhabitants of the occupied Eastern Territories are subject to the public liability for compulsory work according to their capbility for work."

And I wish to point out the paragraph under that small number 1, with the number 3, where you say:

"A special ruling is drawn up for Jews."

That is the 19th day of December 1941.

A The document which has been submitted to me is signed by the Reich Kommissar for the Ukraine and is concerned with a special law of the Reich Minister for the Eastern Territories. I ask that I be shown the complete law in order that I may judge the directive given out by the Reich Kommissar.

Q Well, we can make that available to you. This is taken from the official Gazette of the Reich Ministry for the occupied Eastern Territories. You are not disputing, are you, the fact that you promulagated this order and that those two paragraphs I read to you were in it?

A That I am not disputing.

Q All right. If you care to look at all of the other paragraphs and at other parts, I will see that they are made available to you, but for the present purposes I can assure you there is no trick in connection with this. I want to move on to another document.

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A I would like to refer to just one point.

Q All right.

A Under paragraph 1, it says expressly that all labor is to be used according to their capability for work.

Q Yes, I read that to you.

Now, you had a permanent staff secretary by the name of Alfred Meyer, isn't that so?

A I do not find anything regarding the laws about Jews. There must have been a directive on this.

Q You will find it just below the sentence to which you made reference a minute ago, two paragraphs below it. There is a figure 3 in parentheses and then this statement:

"A special ruling is drawn up for Jews."

Don't you find that there?

A No, I'm sorry I can't find that point in my copy. Yes, I have it now. But that refers to another law.

Q That's all right. I just asked you if it was there, and it is. Let's go on.

I asked you if you had a permanent staff secretary by the name of Meyer, Alfred Meyer, M-e-y-e-r.

A Yes.

Q I want to show you Document 580-PS, which will become USA Exhibit 821. Now, this is an order from your Ministry for the Occupied Eastern Territories, and it is signed by your permanent staff secretary, Alfred Meyer, and it is addressed to the Reich Commissioner for the Ostland, a man by the name of Lohse, L-o-h-s-e, and also to the Reich Commissioner for the Ukraine, a man by the name of Koch about whom we have heard a good deal in this trial.

I want to have you agree, if you will, that the order calls for 247,000 industrial workers and 380,000 agricultural workers.

Now, I want you to turn specifically to page 2 of the English translation and to page 2, as well, of the German translation, and line 14 of the English text and line 22 of the German text. The paragraph has before it the figure 6, and it says:

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"The workers are to be recruited. Forced enlistment should be avoided; instead, for political reasons, the enlistment should be kept on a voluntary basis. In case the enlistment should not bring the required results and there should be a surplus of workers available, use may be made in extreme cases and in agreement with the General Commissioner, of the decree dated 19 December 1941 concerning the introduction of compulsory labor in the occupied Eastern territories."

So that this order, signed by Meyer of your staff, directing the Reich Commissioners in the Eastern occupied territories, was founded on your decree of 19 December 1941 for compulsory labor.

A Yes. Mr. Prosecutor, you read the introduction, and from that we can see that my deputy tried to avoid coercion, but on the other hand voluntary enlistments were to be considered, and that is proof of what I said yesterday, that Hoffmann, my permanent deputy, tried to work along these lines, and we are not referring back to arbitrary measures but rather to a general compulsory labor law in the occupied Eastern territories which would prevent hundreds of thousands from lingering and loitering in the streets who could neither work nor study. I would like to read the end of the paragraph, and that says:

"Promises which cannot be kept may not be given neither in writing nor verbally. Therefore, the proclamations or posters and appeals in the press and over the radio may not contain any untrue information in order to avoid disappointment among the workers employed in the Reich, and thus reactions against future recruiting in the occupied Eastern territories."

Q Very good. All I am trying to indicate here, and to see if you will not agree with it, is that you nevertheless, despite these remonstrances and these objections which we do not deny that you made, did authorize your people in the Eastern occupied territories to actually conscript and force people to come to work in Germany, and you did it on the basis of your own decree. That is the point I am trying to make with you.

A A compulsory labor law was issued by me at the end of 1941 for the territory of the Reichscommissariat, that is, for the Ostland and for the Ukraine. This labor for the Reich was not taken until later, and labor

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service in the occupied countries was, in my opinion, legally necessary so that no wildcat recruitments would take place, and also to prevent the loitering of hundreds of thousands in the streets.

THE PRESIDENT: You are not answering the question. You are giving a long paraphrase for the one word "yes", which is the answer you ought to have made.

A (Continuing): When compulsory labor service was

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instituted in the Reich, I said that I was in favor of voluntary enlistment. That could not carry on through, and of course I agreed that compulsory labor laws would have to be instituted, and I repeated that three times yesterday and admitted it.

Q Yes, I know you repeated it three times yesterday and again this morning. In your own defense document -- R-011, I think it is -- which is the letter that you wrote to Koch on the 14th of December 1942 -- I don't think it will be necessary to show it to you again; I think you saw it yesterday -- you specifically mentioned to Koch the matter of picking up people from lines in front of theaters and off the streets, those people who were attending movies and matters of that sort. You knew that was going on under your decree of compulsory labor, didn't you? You were objecting to it, but you knew it was going on.

A Yes. It always happens that these excesses are connected with each and every law, and when excesses occurred, I did protest against them and try to take steps.

Q Very good. Now, finally, with respect to this forced labor matter, would you say as a matter of fairness and honesty that your Ministry was not very largely responsible for this terrible program of forcing people from their homes into Germany, or do you say that you must accept a very considerable responsibility for what happened to these hundreds of thousands of people out of the Eastern occupied areas?

A I, of course, will take the responsibility for those laws which I issued, and for any framework of directives which were issued by my Ministry for the carrying out of these measures. The territorial governments were responsible according to law. Where they went beyond these measures, I paid attention to matters which were called to my attention. Exaggerations took place, but I must admit that some terrible things did occur, and in that connection I tried to intervene, and a series of German officials were taken to court and were sentenced.

Q Leaving aside the terrible things that happened to people, assuming that no great violence took place, the very fact

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of forcing them against their wills to leave is something else that you will accept responsibility for, I assume.

A Yes.

Q And you also feel that a considerable part of this --

A (Interposing): I will take the responsibility upon myself as far as state laws are concerned which instructed Gauleiter Sauckel to put these demands to me.

Q Briefly, I want to remind you, while we are on this subject, that you acknowledged yesterday that you did consent to the taking of children as young as 10 and 12 and 14 years old and removing them to Germany, and I think you told us that at first it disturbed you, but when you found out there were unhappy recreational circumstances, your mind was eased. Is that a fair statement of your position on forcing these children from the East?

A No, that is not correct. Of course, I do not know just what the interpretation of the reading of the document was, but the opposite was true. I tried to avoid anything happening in my operational territory which would result in circumstances that would be detrimental to the children. The Heeresgruppe Mitte was acting independently, and I put the condition of taking care of the children through their own mothers, so they could have contact with their parents, and, as it says later, that they might be returned to their homeland. From that you can see that it is the exact opposite of that which the Prosecution has submitted here.

Q Well, I don't want to dwell much longer on it except to remind you that that document which you have seen and which you discussed yesterday, states, among other things, that by removing these children out of the East you will be doing more than one thing; you will be destroying the biological potentiality of those people in the East. That is what you approved among other things, isn't it?

A Yes. That is contained in the first point of the Prosecution and it was read. But I took this stand regarding the whole document, that it was not decisive as to my position, that when I heard this for the first time I rejected it, that later, when I had heard other reports, I found a form for which women thanked me, although it was not my merit that these people were taken care of in such a nice manner.

Q As I understand all your testimony, with the possible exception of the little while of which we have been talking, you have been very benign and humane towards these people under your jurisdiction in the occupied Eastern territories. You wanted to be very kind to them.

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A Yes. As far as these sentimental terms are concerned, I do not put any special claims on them for myself. However, in the terrible war in the East, which brought with it the continuous murder of German officials, I tried to carry on a mitigating policy.

Q Yes. Now I ask that you be shown document 1058-PS, which is USA 147.

(The document was submitted to the witness.)

Q(Continuing) You now have that before you. It is an extract from a speech which you made with your closest collaborators, and it has been referred to before. It is a speech that you made on the 20th of June 1941, the day before the attack was launched against Soviet Russia. I want to refer to the very first paragraph, and the only one on the paper. It says:

"The job of feeding the German people stands, this year without a doubt"--

A What page is that?

Q It is the first page; there is only one page. Oh, you have the whole document. You referred to it yesterday; I think you will be able to find it. It is at page 8, line 54. You may recall it; you talked about it yesterday. As a matter of fact, you said it was an impromptu speed. Do you find it on page 8?

A Yes, I have found it.

Q In that paragraph you say, among other things--and I want to call it to your attention for a specific purpose--you say that the job of feeding the German people is at the top of the list, and that the Southern territories and the Northern Caucasus will have to serve as a balance for the feeding of the German people. And you go on to say that you see no reason why there is any obligation to feed the Russian people with the products of the surplus territory. Then you say: "We know that this is a harsh necessity, bare of any feelings."

You then go on to say that a very extensive evacuation will undoubtedly be necessary and that the future will hold very hard years in store for the Russians.

Now, you read us some parts of that speech yesterday that you seemed

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to think were quite to your credit. Were all parts of the speech impromptu, or are you suggesting that only the parts that seem damaging to you now were impromptu?

A I just used a few key words and gave the speech that way. This paragraph has been read by the prosecution three or four times, and yesterday when we discussed this speech I myself referred to this paragraph. Beyond that, I added that from the Four Year Plan, I was told, it was not certain whether the conquest of the Moscow industrial region could be maintained. For instance, there was a wagon factory mentioned. Some key industries would have to be curtailed, and through that a large problem in the supply of this area would result.

My remarks were directed to the point that of necessity at that time, or at that point, these unemployed would have to be evacuated, and I expressly referred to this document by the Eastern Ministry on this question where, under point 7, the feeding of the civilian population, point 3, is emphasized, and also later in the document where it says that famines are to be avoided in any event, and that the population was to receive special rations.

I believe that in this case, in that hard time, it was impossible to do more than that. And my entire political and spiritual position is to be concluded from what I said yesterday about the keeping up of cultural contacts in the Ukraine, about independence there, about Russia.

Q All right. I don't want you to go into all that. I understand you thoroughly, and I think everyone else does. I merely wanted to point out to you that on that early date you did say there would be harsh necessities and that there would be very many hard years for the Russians. That is all. And if you don't want to acknowledge that you were serious in saying that, as you were in saying the other things, then I won't press you on it.

I want to turn to document--

A Mr. Prosecutor, I believe that not much more could have been done towards this problem.

Q All right.

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A And some occupation troops have had the same experience.

Q All right.

I ask that you be shown document 045-PS, USA Exhibit 822.

(The document was submitted to the witness)

A Perhaps I might say something about the translation of this passage. It was translated to me that these measures were to be carried through without any feeling, but in the original it says "beyond feeling," or "above feeling".

Q All right, I accept your interpretation.

A There is a difference.

Q All right; we won't have any trouble about that.

Now, will you please look at this document? This is a memorandum found in your files, for your information.

A Yes.

Q You set out there, in the second paragraph, what you call the aim of German politics, notably in the

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Ukraine, as having been laid down by the Fuehrer. They are, you say, exploitation and mobilization of raw materials, a German settlement in certain regions, no artificial education of the population towards intellectualism, but the preservation of their labor strength; apart from that, an extensive unconcern with the interior affairs.

Then, moving down a little bit -- because I don't think it is necessary to read all of it, much of it has been referred to in another document -- we come down to the 12th line from the bottom of that paragraph, beginning at the 14th line:

"After continuous observation of the state of affairs in the occupied territories of the East, I am of the opinion that German politics may have their own, possibly derogatory attitude regarding the qualities of the conquered peoples, but that it is not the mission of German political representative to broadcast measures and opinions which could eventually bring about the sheer desperation of the conquered peoples, instead of promoting the desired productive labor mobilization."

Then, in the next paragraph, you say:

"In home politics we had to announce our aims to the whole nation in the most candid form of aggression by way of contrast to the others. Yet, the political leadership in the East must remain silent where necessary harshness is dictated by German policy. They must remain silent about their possibly derogatory judgment of the conquered peoples. Yes, a clever German policy might be able to do more in the German interest through politically immaterial alleviations and certain human concessions than through open, thoughtless brutality."

Were you honestly expressing your views when you wrote that memorandum on the 16th of March, 1942?

A. This document is correct. It was submitted to me for a moment in a preliminary interrogation. What we gather from this document is the following. We may gather from it that although I knew that the Fuehrer had not accepted my rather broad proposals, I continued to fight for these proposals. And we may further see from it that I saw the Fuehrer personally, so that certain petty citizens in the East would not make derogatory remarks about other

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nations, that, so far as the thousands who came in were concerned, I could not expect sympathy and I could not expect antipathy either, but I could demand one thing of them in case they had a derogatory attitude, which was to keep quiet and to act decently.

In conclusion I would like to add -- and this is something which is extraordinarily decisive, because it says in the last paragraph, "I ask that the Fuehrer rule on this memorandum." This instruction was not contained in the document; I believe that much would have resulted from it.

Q. All right. Now let's turn to R-36, USA 699.

(The document was submitted to the witness.)

Q. (Continuing) You have seen this document before, haven't you?

A. Yes, I have seen it before.

Q. Yes. Now, this is a memorandum submitted to you by one of your subordinates, Dr. Markull, and directly submitted to you by Leibbrandt, also one of your subordinates, one of your top men, on the 19th day of August 1942. I want you to follow along with me while I read you certain passages from it.

The first few lines are dated the 5th of September, 1942, and it says: "The Minister, on the premises." It states that there is enclosed a memorandum containing the opinion of Dr. Markull on the matter of the Bormann letter of the 23rd July.

Before we go into this, just for a minute, if you will just pay attention to me, you told us yesterday that you were in disagreement with Bormann about some matters. Is that so?

Just answer the question. Did you tell us that yesterday?

A. As I said, on decisive matters I did not agree

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with Bormann, and I testified that in the course of years, on occasion, I gave him an appeasing answer. My whole policy was to --

Q All right. Let's look at this document, which is, as I say, a memorandum about a Bormann letter to you, dated the 23rd of July, I assume 1942.

"On the 23rd of July, 1942, Party Director Bormann sent the Minister a letter which enumerates, in eight paragraphs, the principles the Minister is to follow in administering the occupied areas in the East."

It goes on to say that you, in a message to the Fuehrer dated the 11th of August, 1942, explained in detail to what extent these principles were already being put into practice or used as a basis of policy.

The next paragraph says that "any person reading this correspondence is struck, first of all, by the complete agreement of concepts. The Minister -- that is you -- apparently was particularly concerned about two points: The first relates to the protection of German rule against the pressure of the S Slav race; the second to the absolute necessity of simplifying the administration. These are indeed decisive problems, of which more will have to be said."

Then there is this statement: "For the rest, the Minister -- referring to you -- not only raises no objections against Bormann's principles or even his phraseology; on the contrary, he uses them as a basis of his reply and endeavors to sow that they are already being put into practice. When, however, Bormann's letter was read out by Captain Zimmermann in a conference of the department chiefs, gave concern was shown at once, both on account of the phraseology of the letter and the future conduct of our policy."

Then it goes on to say: "In order to find out whether this concern is justified, it is best to start from a fiction."

Then, under the number I, Markull writes:

"Let us suppose Bormann's letter were issued to the Reich Commissioners as a ministerial decree. This supposition is by no means unrealistic since the Minister -- and that again refers to you -- appears to hold identical views. Since the Ostland, or the Baltic Area, presents a special case, and since the Ukraine is, or will become, probably, the most important region politically the following discussion will be based on that region."

Then, going on: "The consequences of a decree of this kind will be judged

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best by its effect on those men whose duty it is to put it into practice."

Moving down a little bit, he says: "Imagine the formulas of Bormann's letter translated into the language of a member of the German civil administration, and you will get, roughly, the following views:

" The Slavs are to work for us. In so far as we don't need them, they may die. Therefore, compulsory vaccination and German health service are superfluous. The fertility of the Slavs is undesirable. They may use contraceptives or practice aboration, the more the better. Education is dangerous. It is enough if they can count up to 100. At best an education which produces useful stooges for us is admissible. Every educated person is a future enemy. Religion we leave to them as a means of diversion. As for food, they won't get any more than is necessary. We are the masters; we come first."

"These sentences are by no means overstatements. On the contrary they are covered, word by word, by the spirit and the text of Bormann's letter. Already at this point the question arises whether such a result is desirable in the interests of the Reich. It can hardly be doubted that these views would become known to the Ukrainian people. Similar opinions prevail even today."

Moving on, the next paragraph, with the number "2", says:"But there is no real need to assume a fictitious decree as was done in paragraph 1. The above mentioned concepts of our role in the East already exist in practice.

"The Reich Commissioner for the Ukraine has expounded his views of the Ukrainian people, in three successive speeches." And he goes on to quote those speeches, whixh have been referred to before this Tribunal.

Then, in the next paragraph, he says that every visitor and every member of the local civil administration can confirm this from his own observations, and they show particularly clearly how well the soil is prepared for the Bormann letter.

Then he goes on to quote statements that have been made by saying, "We are here among Negroes", "The population is just dirty and lazy", and so on.

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And then, passing on, he says:

"I may add that Kreisleiter Knuth whom the Gauleiter still retains, in spite of the gravest accusations, declared, in conversation on the Kiev question, that Kiev ought to be depopulated through epidemics. Altogether it would be best if the superfluous part of the population starved to death."

Moving on further we come to the third paragraph down. It says:

"Finally among the district commissioners at least 80 per cent oppose the views described above. In many conferences with the general commissioners they emphasized that the population ought to be treated decently and with understanding," and that statements opposing such policies referred to above will result in a catastrophe. That is what the next paragraph says.

And then Markull goes on to say:

"For the rest the only effect of the false concepts of the Master Race is to relax the discipline of our officials."

I will not take the time to read all of it. I am sure you are reading it. Then we move on and we come to this very significant paragraph, with a Roman numeral 5:

"Perhaps one ought to inquire whether there is not in fact an agreement between the policy hitherto pursued and the Bormann letter in the sense that the decrees quoted above and the other instructions of the ministry are to be understood merely as tactical moves, whereas in fact there is no divergence of opinion. The minister's reply"--I remind you each time the minister refers to you --"of 11 August might be considered to point in this direction."

Then he goes on to say:

"In answer to this it should be pointed out that the minister knows very well that it is not possible to rearrange a continent of the size of Russia by means of political tactics and by wearing the mask of a liberator, but only by applying

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a statesmanlike conception appropriate to the political conditions." And so on.

And finally he says:

"Another reason why" -- I want to be fair about this document with you. He indicates that perhaps it should not be interpreted merely as a tactical maneuver, because of the inconsistency which this would imply. For in that case the word "liberation" ought never to have been mentioned and no theater should be allowed to stay open, no trade school, no university should be allowed to function.

And finally I would like to read you--not finally--but I would like to read you this significant paragraph. It states--and I think you will allow me to summarize it--that this letter of Bormann's, which originated from the field headquarters, simply cannot be issued as a ministerial decree, since it would disavow the entire policy hitherto announced by the minister--yourself.

And in this connection, a few sentences down, says Markull:

"It is necessary to point once more to the obvious similarity between the opinions professed by Koch and the instructions given in the Bormann letter."

Then, about halfway down the paragraph, it says only you can decide upon this question, and he suggests certain considerations which might be useful, recounting some difficulties.

And finally you come, under Roman numeral IV, to the second paragraph:

"Without wishing to criticize in any way the statements of Party Director Bormann it is not necessary to point out that the wording of his letter does not always bring out clearly the importance of the issue at stake. A phrase like 'brisk trade in contraceptives' had better not be brought into connection

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with the name of the Fuehrer. In the same way abrupt phrases like 'vaccination of the non-German population is out of the question,'" and so on, "would hardly seem to be entirely in keeping with the importance of the historical problems involved."

Finally, to go on, I want to read you this under Roman numeral III. Markull states: "The statements set out above may appear very sharp. They are, however, dictated by concern and duty."

And finally--Well, I don't think there is any necessity to read the last paragraph. It merely talks about the philosophy which is being raised in a grandiose manner by the Japanese ally in his new districts.

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Now, you remember this memorandum that you received through your assistant, Leibrandt, from your subordinate, Markull? You can answer that yes or no , by the way; that is all I want to know right now--whether or not you remember it. Will you wait just a minute?

A I received this report from Dr. Leibrandt, and I would like to make the following explanation.

Q Just before you do that--you will have an opportunity; I won't shut you up on any explanations or even attempt to--I have one or two things I would like to ask you about it, and then if you feel the need to explain them or anything else I feel sure the Tribunal will permit you to do so.

You had written a letter in answer to the Bormann letter, hadn't you?

A Yes, that is correct.

Q And you had agreed with these--if I may use the term--shocking suggestions of Bormann? In your letter you had agreed with these shocking suggestions of Bormann? Yes or no.

A I wrote an appeasing letter so that I could bring about a pause in the constant direct pressure which was brought upon me, and I would like to say that my activity, and the decrees which I issued after this letter, did not change at all in any manner; but, on the contrary, my decrees continued with a health service and brought about building.

Q You wrote this letter to the Fuehrer; you didn't write it to Bormann, did you? Your answer went to Hitler?

A I wrote my reply to the Fuehrer, yes.

Q And you were appeasing the Fuehrer as well were you, when you soothed back the r' ses such as are repeated in this letter about the use of contraceptives a tion? Wait until I finish. I was saying, in your letter to the Fuehrer te back those horrid suggestions of Bormann's, didn't you--those nasty, orrid suggestions of Bormann, I might say? You wrote them to Hitler?

A I wrote a letter to the Fuehrer, but did not use the wording of Bormann's letter. I wrote to the Fuehrer that I was not doing anymore than could and had to be done, and I wanted to resist an attack which was coming from the headquarters that I was doing more in the eastern countries than for the German

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people--that I was demanding more doctors than the German people had for their sick. But as far as health and biological propagation of the eastern peoples is concerned, that I was doing more for the eastern territories than the German doctors could do for the German people and its propagation. The attack had reached such proportions that Koch accused me that I was following a policy of immigration, and that was the reason why the conflict arose shortly thereafter and was brought to the Fuehrer.

Q Just so there will be no doubt about this--I don't want there to be any misunderstanding and nobody else does--are you telling us that you didn't write back almost word for word what Bormann wrote to you?

A I do not have the letters here verbatim.

Q But you have the Markull memorandum here, which says that the minister not only raises no objections against Bormann's principles or even his phraseology. Now surely one of your subordinates would not be impertinent enough to write you a memorandum like that unless it was perfectly true that you had done so?

A My collaborators always had the courage to stand up even contrary to what I demanded of them. They told me their opinions. Dr. Leibrandt came to me full of care and concern and said to me, "Mr. Reichminister, that is not in accord with what we are doing."

I said, "Dr. Leibrandt, please calm yourself. I have written an appeasing explanation. Nothing will be changed. I will speak to the Fuehrer later personally about these matters."

Q Your subordinate was not afraid to tell you that you had written such a letter in which you agreed word for word with Bormann. I have no trouble with you on that score. That is all I am trying to get you to tell this Tribunal, because it is true that you did write back expressing these word for word sentences.

A That is not correct. I must say that this memorandum which Dr. Leibrandt gave me, he read over this memorandum and said that there seems to be one gentleman who believes that I cannot do anything else but what I consider right. But in this case I have a special problem and a special conflict, and I will insist on my position. That may be shown in the documents I read yesterday.

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May I define my position as to this?

Q Answer this question: Who were you appeasing, Hitler or Bormann, or both of them?

A First of all my collaborator, Leibrandt, showed him that my ministerial decrees in that sense would never be published. Point 2: I gave out decrees about the school system, which was to redevelop that system.

THE PRESIDENT: Wait a minute. That is not an answer to the question. You said that you wrote an appeasing answer. The question is whom were you trying to appease. Was it Hitler or was it Bormann or was it both?

A (continued) Yes; both of them; yes.

MR. DODD: Mr. President, would this be a convenient time?

THE PRESIDENT: Yes.

(A recess was taken.)

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DR. SEIDL: Dr. Seidl for the defendant Dr. Frank. Mr. President, I have stated yesterday that the document books for Frank I have already translated, but I have just found out now about the document books, that the document books are not yet bound by the office which should have done it and for that reason, I did not receive permission from another office yet. Perhaps the Tribunal could speed that up that is, the binding of the document books, because otherwise the whole translation is unusable.

THE PRESIDENT: Very well.

MR. DODD: I didn't know there was any delay but I will see to it right away that they get it as far as we are able to do it.

THE WITNESS: May I say something to this document? This memorandum, such as it is stated in the beginning, is based on the fiction, the idea of a possible ministerial decree. It uses phrases which Bormann had used in his letter but my letter which I have sent to the Fuehrer could not possibly contain these phrases but they will contain modifying statements to the extent that I myself in the Occupied Eastern Territories did not do what I am accused of now; that is to say, that I do not state any consideration of German population but that I established departments for education, for schools, and so on; that these departments, I would have to modify; but that Bormann made these statements, used these phrases, it is unfortunate the way in which he liked to express himself, which we had to find out during the later years.

May I say briefly that he himself states, that apparently the minister covers the content of these things, but I want to point out one decisive point; that is, that here, these opinions, which Bormann mentions, were also mentioned in the surroundings of Koch and against these personal things of Koch -- in these tragic years -- my entire efforts were directed, especially to train the entire corps of administrative leaders and that can be seen from point 3, paragraph 3, where you will find it. Among the district commissars there are at least eighty percent against the opinions --

MR. DODD: I think we all know what is in it. If you have any explanation, I think you ought to make it.

THE WITNESS: Yes. On page 4, it says the greater majority of the administrative leadership corps puts its hope to the minister -- that is, myself, -- and I have tried and attempted to justify these hopes of the

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administrative leadership corps, that I would attempt to educate them by these decrees with regard to thousands of people in the Eastern Territories, whom they did not know, these thousands who, of course, in a fight against Bolshevism, could not always determine how things were in the East; and may I quite concretely point out that the author here says that the decree of the minister of the 17th of March, underlines and emphasizes former decrees in a sharper form. The decree of the 13th May 1943, goes against the opinion that the Ukrainians were no people at all and against a false master standpoint. These are two decrees which I have not received and which are here; and furthermore, I assume, Mr. Prosecutor, I say concretely that he points out that, of course, the minister -- that is, myself -- knows very well that such a continent has to be treated differently than the suggestions would warrant it. As a consequence of that attitude, I have to say, after that exchange of correspondence between Koch and Bormann, I have started a definite school administration in the Ukraine with a definite organization.

BY MR. DODD:

Q I am not interested in that. Just a minute.

A Well, I have to answer these accusations.

MR. DODD: That is no answer to this, if your Honor please, and no explanation of this document. He is launching off on one of these long speeches againabout what he did after the document was received or after he wrote the letter, and I ask that he be instructed to answer that question and not to go on into statements about what

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he did in the administration in the Ukraine. I don't think it is pertinent.

THE WITNESS: But I have spoken to the Fuehrer, I have spoken to the Fuehrer personally about this and I told him that this note of May 1943 --- that note was also in my file --- I told him that it was impossible, with these phrases, to work in the East.

THE PRESIDENT: If there is a letter in your file or if there is not a letter in your file, your counsel can re-examine you upon cross examination, but you cannot in cross examination go into long explanations. You must answer the question yes or no and explain, if you must explain, shortly. You have been explaining this document for a long time.

BY MR. DODD:

Q When did you first meet Erich Koch?

A Erich Koch?

Q Yes.

A That may have been in the twenties. I don't know, 1928 or 1927.

Q Apparently you have known him, then, a great many years?

A I know him, yes. I haven't seen him often but as Gauleiter I talked to him on and off.

Q When did he become a Gauleiter?

A I believe in the year 1928 he because Gauleiter in East Russia, but the dates I could not say for sure, when he was appointed Gauleiter.

Q That is all right. I want an approximate date. Did you have much to do with him from the time that he was appointed Gauleiter, let us say, until 1940?

A Well, during the fighting years, I had practically nothing to do with him. Later, after 1943, I talked to him several times.

Q You had a pretty good knowledge, I assume, in any event, of his general reputation among his friends and acquaintances?

A I knew Koch had a very sudden temperament, going from one extreme to the other and not steady, and not quite reliable in carrying out a definite steady policy.

Q I take it from your answer, that you were not aware, however, before he became the Reich Commissioner for the Ukraine, of his temperament in this

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way, that you didn't know that he did these terrible things, which he did do, while Reich Commissioner in the Ukraine, did you?

A No, and ---

Q That is an answer and there is no need to explain that.

A Koch had had the opposite opinion previously, that the future problems of the Russians would be the same as those of the German Youth.

Q So I take it you were surprised when this man turned out to be the kind of man that he did turn out to be. Is that a fair statement?

A Well, that came out later by and by, that impulsive temperament, that these results could not quite be anticipated and I think it would not have come that far if he wouldn't have been supported by the other side.

Q You don't think he was quite as good a man as appears by the record but rather encouraged by some others; is that what you are trying to tell us?

A Yes, of course, that contributed.

Q I am going to ask that you be shown document 1019-PS; it becomes USA Exhibit 823. By the way, before we look at that document, he is the man whom you blame to a very great extent for many of these terrible things that happened under your ministry in the Ukraine, isn't he? There isn't any doubt about that. You told us about that all day yesterday.

A Yes.

THE PRESIDENT: Mr. Dodd, could you go just a little bit slower?

MR. DODD: Yes, your Honor, I will.

BY MR. DODD:

Q If you look at this document, you will see that it is a memorandum about your recommendations as to the personnel for the Reich Commissariat in the East and for the Political Central Office in Berlin, and it was written on the 7th day of April 1941, and I take it that that was only a few days after Hitler talked to you about your new assignment in the East, four or five days at the most; isn't that so? Will you answer that question.

A Yes.

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Q Now, in this memorandum you set out that you recommended Gauleiter Lohse and we know from the documents and the testimony that he was appointed, isn't that a fact?

A Yes.

Q All right. Now, turn to the next page of the English text, it is the paragraph beginning as follows:

"In addition it will eventually become necessary to occupy with troops not only Petersburg but also Moscow. This occupation will definitely differ considerably from that in the Baltic provinces, in the Ukraine and in the Caucasus. It will be accomplished by suppressing any Russian and Bolshevik resistance and will necessitate an absolutely ruthless person both as regards the military representation (and also the eventual political direction. The problems arising from this need not be detailed here. If it is not intended to maintain a permanent military administration the undersigned would recommend that the Gauleiter of East Prussia, Erich Koch, as Reich Commissar, Commissioner in Moscow".

Did you recommend Koch for that job as a particularly ruthless man in April of 1941? yes or no?

A Yes.

Q Just a minute. You have done a lot of talking here for the last day and today if you will just give me a chance once in a while.

He is the same man you told us a minute ago you did not know to be particularly ruthless until after he did these terrible things in the Ukraine. Now, it is very clear you did know it in April of 1941, isn't it? What is your answer to that?

A That is not correct. I have stated that I know from Koch from '43 and '44 he had a special interest for the Russian people. I knew Koch as a man of economic initiative in East Prussia and then, I had to expect that at the center at Moscow and around Moscow would be center of gravity for Bolshevism and there the harshest, that is the greatest resistance would surge and then I did not want to have Koch in the eastern territories and in the

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Ukraine because there I did not anticipate such resistance. There was Koch's attitude to the Russian people and then I knew he had initiative and finally I knew he was well supported and that a job in the east was expected of him, any job in the east, either by the Juehrer or the Reich Marshal.

Q When you were looking for a ruthless man you suggested Koch as early as April of 1941.

A This expression concerns initiative and, of course, also I had the opinion that he would fight any Bolshevik resistance, yes, but not in the sense that he would suppress foreign culture or try to exterminate it.

Q The proof of the matter is that you had some peculiar and odd interest in the Ukraine and you had somebody else in mind for that job but you knew Koch was a bad actor and you wanted him in another part of Russia, is it not?

A No, for the Ukraine I wanted Backe and my Stableiter Schickedanz, as can be seen from the document. I wanted Backe as State Secretary because he was a German from the Caucasus and speaks Russian, knows the entire southern area and could have worked very well there. I did not get him and I was forced to accept Koch and I would like to say, against my personal protest in the meeting of the 16th of July.

Q Well, if that is your answer I do not care to go any further with it.

With respect to your attitude towards the Jewish people, in your Frankfort speech in 1938 you suggested that they all leave Europe and leave Germany, did you not?

A This phrase --

Q All you need to say is yes or no. Did you do that or not in your speech in Frankfort in 1938 --

A Yes, but I only can answer yes or no on a correct quotation.

Q I do not think you need to explain anything at all. I merely asked you whether you said that in Frankfort in your Party Day speech.

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A Yes, essentially that is correct.

Q Now, in your Party Day speech to which you made reference yesterday, you said you used harsh language about the Jews. In those days you were objecting to the fact that they were in certain professions, I suppose, and things of that character. Is that a fair statement?

A I have said yesterday that in two speeches I demanded a chivalrous solution and I said one could not, one should not be able to accuse us of extermination of the Jewish people from abroad, that is foreign nations.

Q Yes, very well, Did you ever talk extermination of the Jews?

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A Not in a single speech have I spoken about the extermination of the Jews. One has to consider the words --

Q You will get around to the words. You just tell me now whether you ever said it or not? You said that you did not?

A Not in a single speech in that sense.

Q I understand the sense. Did you ever talk about it with anybody as a matter of state policy or party policy, about the extermination of the Jews?

A In a conference with the Fuehrer there was mention made of an intended speech which was never held and that question was also mentioned in the sense that now that a war had started the that threat which had been mentioned should not be mentioned again. That whole speech was not held.

Q When was it you were going to deliver that speech? Approximately what was the date?

A In December 1941.

Q Then you had written into your speech remarks about the extermination of the Jews, hadn't you? Answer that yes or no.

A I have said already that that word does not have the sense which you want to give to it.

Q I will get around to the word and the meaning of it. I am asking you, did you not use the word or the term extermination of the Jews in the speech which you were prepared to make in the Sportpalast in December of 1941? Now, you can answer that pretty simply.

A That may be, but I do not remember. I have not even read the drafts. In which fort that was expressed I cannot say therefore.

Q Well then, perhaps we can help you on that. I will ask you be shown document 1517-PS. It becomes USA Exhibit 284.

(witness handed document)

Now, this is also a memorandum of yours written by you about a discussion you had with Hitler on the 14th of December, 1941, and it is quite clear from the first paragraph that you and Hitler were discussing a speech which you were to deliver in the Sportspalast in Berlin and if you will look at the second paragraph, you will find these words :

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"I remarked on the Jewish question that the comments about the New York Jews must perhaps be changed somewhat after the conclusion (of matters in the East). I took the standpoint, not to speak of the extermination (Ausrottung) of the Jews. The Fuehrer affirmed this and said that they had burdened the war upon us and that they had brought the destruction; it is no wonder if the results would strike them first."

Now, you have indicated that you have some difficulty with the meaning of the word and I am going to ask you about the word "ausrottung." I am going to ask you be shown -- you are familiar with the Standard German-English dictionary, Cassell's, I suppose, are you? Do you know this work, ever heard of it?

A No.

Q This is something you will be interested in. Will you look up and read out to the Tribunal what the definition of "ausrottung" is?

A I do not need a foreign dictionary in order to explain what in the German language the word "ausrottung" may mean in various meanings. One can exterminate an idea, a system, a social order and as a final consequence, also a group of human beings, certainly. Those are the same varieties which are contained in that word and for that I do not need an English -German dictionary. The translations from German into English are so often wrong and just as in that last document you have submitted to me I heard again the translation of "Herrenrasse" and in the document itself it is not even mentioned. There is the meaning of a false Herrenmenschentum --

Q All right, I am not interested in that. Let us stay on this term of "ausruttung." I take it then that you agree it does mean to wipe out or to kill off, as it is understood, and that you did use the term in speaking to Hitler.

A Here I have to read a different translation again, with a new German translation and so I cannot even find out what you have just wanted to say in English.

Q Are you very serious in pressing this apparent inability of yours

to agree with me about this word or are you trying to kill time? Don't you know thatthere are plenty of people in this Court room who speak German and who agree that that word does mean to wipe out, to extirpate?

A It means to overcome first and then as to its use not with respect to individuals but only as a juridical, historical and traditional word it has always been used with respect to the German people and we have not believed that the consequences could be taken to mean the shooting of sixty millions of Germans.

Q I want to remind you that this speech of yours in which you use the term "ausrottung" was made about six months after Himmler told Hoess, whom you heard on this witness stand, to start exterminating the Jews. That is a fact, is it not?

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A No, that is not correct, because Adolph Hitler said in his statement before the Reichstag that here a new world war by the immigrants would be started by their attacks; that the consequence would be an extermination. That has been taken as a political fact and, apparently, a similat political threat was made by me before the war against America broke out. And now, when the war broke out, I have apparently said that, since it has come to it already, there is no use to speak of it any more.

Q Well, actually, the Jews were being exterminated in the Eastern Occupied Territories at that time and thereafter, weren't they?

A Then, may I say something to the use of the words here? One speak of the Ausrottung of Jewry and between Jewry and individual Jews there is still a difference.

Q I asked you if it wasn't asfact that at that time and later on Jews were being exterminated in the occupied Eastern Territories which were under your ministry? Will you answer that yes or no?

A Yes, and after that you told the Tribunal or, as I understood you at least, you wanted the Tribunal to believe that that was being done by the police and without any of your people being involved in it; is that so?

A I have heard from a witness here that a District Commissar had participated in these things, and I have heard from another witness, Wilna, that in other cities reports came that the police was to carry it out. From Document 1184 I could see that a District Commissar within his capacity protested against these "Schweinerei" as he called them.

Q Dr. Leibbrandt was your subordinate; he was in charge of the main Division 2 in your Ministry for the occupied Eastern Territories wasn't he?

A Yes.

Q All right. Now, for the second time, I'll ask that you be shown Document 3663-PS, USA 825.

(Witness was handed the document.)

Q (Continuing.) Now, this document consists of three parts as you will notice. The first page is a letter written by Dr. Leibbrandt on the stationery of the Reich Minister for the occupied Eastern Territories and it's dated the 31st of October 1941; that's not too many days before you had your conversatio

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with the Fuehrer about your speech and it's addressed to the Reichskommissioner for the East Ostland in Riga; that was Lohse, the man whom you recommended. The letter says:

"The Reich and Security Main Office has complained that the Reichskommissioner for the East has forbidden execution of Jews in Libau. I request a report in regard to this matter by return mail by order (signed) "Leibrandt".

Now, if you will turn to the next page, you'll see the answer. Turn that document over if you have the original, do you? You'll see the answer, dated Riga, the 15th of November 1941, to the Reich Minister for the occupied Eastern Territories, Berlin.

"Re: Execution of Jews, District of Erlau." It refers to the letter of Leibbrandt, apparently, of the 31st of October 1941, and it says:

"I have forbidden the wild execution of Jews in Liepeja because they were not justifiable in the manner in which they were carried out. I should like to be informed whether your inquiry of 31 October is to be regarded as a directive to liquidate all Jews in the East. Shall this take place without regard to age and sex and economic interest of the Wehrmacht, for instance, and specialists in the armament industry?" And there's a note in different handwritting: "Of course, the cleansing of the East of Jews is a necessary task. Its solution, however, must be harmonized with the necessities of war production.So far I have not been able to find such a directive, either in the regulations regarding the Jewish question in the Brown Portfolio nor in other decrees."

Now, that has the initial "L" for "Lohse", doesn't it, at the botton of it' And then, if you'll look at the third page -- no, it's another document. There are only two parts to that document.

Now, I wish that you'll look at 366-PS, which becomes USA 826.

THE PRESIDENT: That has on it the initial "L" has it?

MR. DODD: The original has, Your Honor, yes.

THE PRESIDENT: And the defendant agrees that that is the initial of Lohse is that right?

THE WITNESS: On the botton, no; that could hardly be Lohse. I could not read Lohse' initial.

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MR DODD. Well, it's very--

THE WITNESS: I can't distinguish it as such. It could have been Leibbrandt and it could be Lohse.

BY MR.DODD:

Q You're not willing to say that that second letter was from Lohse and that that's his initial on the bottom of it?

A Well, that I cannot say.

Q All right.

A Because usually these letters are sent typewritten. It had not--

Q Well, we're--

A It is not quite clear but, essentially, it means that there was a trial against police measures and that--

Q We will go into what it means in a minute. We're just talking about the initial "L". While we're talking about the initial, will you look at it and see if there are any "R's", capital "R".

A An "L", yes. An "R"?

Q Yes, "R".

A Yes, there are two "R's".

Q Did you put those on there?

A Yes.

Q You initialled them, did you?

A Well, no; I could not distinguish that as mine, as my "R".

Q You say that it's not your "R"? We'll have to be clear about this. You'd have to know your own initial when you saw it anywhere.

A I never made such a pointed "R" on the top. You can compare it with my handwriting.

Q We'll do that; don't worry. I just want to ask you now if that's your initial or not?

A That I could not identify as my initial.

Q Do you say that it is not your initial?

A Yes.

Q All right. Now, I wish you'd look at Document 3666-PS, which

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is also related to these other documents, and that's also a letter written on the stationery of the Reich Minister of the occupied Eastern Territories, and it's dated December 18, 1941. Subject: Jewish Question. Re: Correspondence of 15 November 1941. This is an answer then to the letter marked "L", inquiring whether or not executions of the Jews is to be understood as a fixed policy.

"Clarification of the Jewish question has most likely been achieved by now through verbal discussions. Economic considerations should fundamentally remain unconsidered in the settlement of the problem. Moreover, it is requested, that questions arising be settled directly with the Senior SS and Police Leaders. By order (signed) Braeutigam."

Have you seen that letter before?

A No, I have not seen it before, not that I can remember. Here I see again an "R", which is pointed on the top, and I could not decipher that as my "R".

Q So that you do not identify that as having your initial, either?

A Well, I could not identify that as my "R" because this was a letter signed by Braeutigam, fromthe Foreign Office to the Eastern Territories, and the notes on the top are from an office that has received that letter.

DR.THOMA: Mr. President, may I clarify an error here? This "R" is not in connection with "R.K"; that apparently means Reichskommissioner.

BY MR DODD:

Q I am not discussing the "R" on the top of the letter; I am discussing the one of the handwritten "L".

A It can be seen from this "R" that this is the man who received the letter. "Received on the 22nd of February -- "R". And it is addressed from the Ministry to the East (Ostland). That note, therefore, comes froma person in Riga, and that is the same "R" which can be found on the other document.

Q. Who is your Reichskommissioner in the East for Riga?

A. Lohse.

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Q. His name didn't begin with "R", did it?

A. Yes, it can be seen that it is clear that this letter passed through several hands.

DR. THOMA: May I help the Tribunal in this handwritten thing with the German "L"? You find on the left margin "WV 1/12/41", which means to be presented again. And then you can find "presented again 1/12/41 R". That appears to be a method which took place in the office of the Reichskommissar and, therefore, it was only marked with the first letter of his name.

MR. DODD: We do not accept that as being any statement with which we can prove this at this trial. I think the matter as to whose initial it is will be presented later for determination.

THE PRESIDENT: What do the words at the top mean "The Reich Minister of the occupied Eastern Territories"?

MR. DODD: That is the stationery upon which it is written. It is handwritten on this particular paper because this whole letter was handwritten on the back of the first letter. These were both found in this defendant's office in Berlin.

BY MR. DODD:

Q. Well, now, I'd like to call your attention to another document, Nr. 36.

A. I emphasize again that that initial "L" was put down by the person who received the letter, to whom the letter was addressed.

Q. Well, we'll get around to that. Document No. 36. I ask that you be shown Document No. 3428, which becomes USA Exhibit 827.

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THE PRESIDENT: Give me the number again, will you?

MR. DODD: I am sorry. 3428-PS becomes 827, USA 827

BY MR. DODD:

Q Now, this is a letter written from Minsk in the occupied area on July 31, 1942, and it is written by Kube, k-u-b-e. He was another one of your subordinates, wasn't he? Will you answer that please?

A Yes.

Q And it is written to Lohse, the Reich Commissioner for the Eastern Territory, isn't it?

A Yes.

Q Now, then, let's look at it, "Combatting of Partisans and action against Jews in the District General of White Ruthenia." It says:

"In all the clashes with partisans in White Ruthenia it has been proven that Jewry, in the former Polish section," and so on, "is the main bearer of the partisan movement. In consequence, the treatment of Jewry in White Ruthenia is a matter of political prominence."

Then, moving down a sentence or two: "In exhaustive discussions with the SS Brigadier General Zenner and the exceedingly capable Leader of the SD, SS Lieutenant Colonel Dr. jur. Strauch, we have liquidated in the last ten weeks about 55,000 Jews in White Ruthenia. In the territory Minsk-Land 'county) Jewry has been completely eliminated, without endangering the manpower commitment. In the predominantly Polish territory Lida 16,000 Jews, in Zlonin, 8,000 Jews, and so forth, have been liquidated. Owing to an encroachment in the army rear zone, already reported hitherto, the preparations made by us for liquidation of the Jews in the area Glebokie, have been disturbed. The army rear zone, without contacting me, has liquidated 10,000 Jews, whose systematical elimination had been provided for by us in any event. In Minsk-City approximately 10,000 Jews were liquidated on the 28 and 29 of July, 6500 of them Russian Jews, predominantly aged persons, women and children - the remainder consisting of Jews unfit for commitment of labor who, in their overwhelming majority were deported to Minsk in November of last year from Vienna, Bruenn, Bremen and Berlin, by order of the Fuehrer.

"The area of Luzk too, had been relieved of several thousand Jews. The same applies to Novogrodek and Wilejka. Radical measures are imminent for Baranowit-

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schi and Hanzewitschi. In Baranowitschi alone, approximately 10,000 Jews are still living in the city itself; of these, 9,000 Jews will be liquidated next month."

And it goes on to say: "In Minsk City 2600 Jews from Germany are left over. In addition, 6,000 Russian Jews and Jewesses are still alive. Even in the future Minsk will still retain its character as the strongest center of the Jewish element, necessitated for the present by the concentration of the armament industries and the tasks of the railroad. In all other areas, the number of Jews to be drafted for labor commitment will be limited by the SD and by me to 800 at the most, but if possible to 500."and so on. It tells of other situations with respect to Jews, all of which I do not think it is necessary to read.

But I do want to call your attention to the last paragraph, the last sentence;

"I fully agree with the commander of the SD in White Ruthenia, that we shall liqidate every shipment of Jews which is not ordered or announced by our superior offices, to prevent further disturbances in White Ruthenia."

And up above I did omit one sentence or two that I wanted to read:

"Naturally, after the termination of demands of the armed forces, the SD and I would like it best to eliminate Jewry once and for all in the District General of white Ruthenia. For the time being, the necessary demands of the armed forces, which are the main employers of Jewry, are considered."

I ought to tell you as well that this document was also found in your office in Berlin. Now, that is a letter --

A (Interposing) That seems very improbable to me, because in my office in Berlin it could not have been found. Then it can only be so that the Reich Commissioner for the Eastern Territories had sent all his files to Berlin. It was not in my office, and this letter was never presented to me. It is marked stamped, by the Reich Commissioner for the Eastern Territories. He received it and not the Reich Minister for the Occupied

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Eastern Territories.

I stated yesterday that quite a number of such happenings as individual actions were reported to me, and that I received reports from Luzk personally, and Gauleiter Meyer was immediately charged to protest with Heydrich to order an investigation. That presupposes that such a general action was not assumed to be ordered for one center.

Q Well, I only want to suggest to you that it is a strange coincidence that two of your top men were in communication in this tone in 1942 without your knowledge.

Did you also tell the Tribunal yesterday that you understood that most of the difficulty or a large part of the difficulty in the East for the Jewish people came from the local population? Do you remember saying that yesterday?

A I did not get the translation.

Q I asked you if it wasn't a fact that yesterday you told the Tribunal that much of the difficulty for the Jews in the East came from the local population of those areas.

A Yes. I was informed about that in the beginning by returning personalities about the local population. I knew the attitude in the East from before and could well understand that this was true.

Secondly, I have stated that I had been informed that the police took care of various other nests of resistance, and thereby a large number of Jews were stopped in various cities. And then I have treated --

Q I think you will agree that in the Ukraine your man Koch was doing all kinds of terrible things, and now I don't understand that you dispute that Lohse and Kube were helping to eliminate or liquidate the Jews, and that Braeutigam, an important member of your staff, and that Leibbrandt, an important member of your staff, was informed of the program. So that five people at least under your administration were engaged in this kind of conduct, and not small people at that.

A I should like to point out that a decree by the Reich Kommissar for Eastern Territories --

THE PRESIDENT: (Interposing) Will you answer the question first? Do you agree that these five people were engaged in exterminating Jews?

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THE WITNESS: Yes. They knew about a certain number of liquidations. That I admit, and they have told me, or at least I have heard it from other sources.

I only want to state one thing: That according to the general law of the Reich for the Eastern Territories a decree was issued according to which--of course the Jewry there was hostile to us--the Jewry should be concentrated in certain Jewish quarters of the cities. And until the end, until 1943-1944, I have heard that in these cities such work was carried out in Jewish Ghettoes to a large extent.

And may I point out another case which came to my knowledge?

BY MR. DODD:

Q I don't want you to point out anything else. You have answered the question, and you have explained your answer. I don't ask you further --

A (Interposing) The answer which I wanted to add was to explain part of my answer in a very concrete case. That is to say, a district Kommissar in the Ukraine had been accused before the court that in a Jewish community, on the basis of threats, he had committed blackmail and taken furs and dresses, clothes, to Germany. He was brought before court. He was convicted, and he was executed.

Q Well, that is very interesting, but I don't think it is a necessary explanation of that answer at all. And I would ask that you try to confine these answers. I would like to get through here in a few minutes.

You are also, of course, the man who wrote the letter, as you told the Tribunal yesterday, suggesting the out-of-hand execution of 100 Jews in France, although you said you thought that--was what, a little bad judgment or not quite just, or something of the kind? Is that right?

A I have made my statement about that yesterday.

Q I know you have, and I would like to talk about it for a minute today. Is that what you said about it, that it was not right, and that it was not just? Yes or no, didn't you say that to the Tribunal yesterday?

A You have to quote literally, word for word, if you want me to answer yes or no.

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Q I will ask you again. Didn't you say yesterday before this Tribunal that your suggestion in that letter, in Document 001-PS, was wrong and was not just? Now, that is pretty simple, and you can answer it.

A I have stated that it was humanly incorrect.

Q It was murder--isn't that what it was, a plan for murder? Yes or no.

A No. The shooting of hostages, which was published by the armed forces--I consider that an extraordinary measure necessary in warfare and an accepted fact. The shootings of hostages were published in the press. Therefore, I had to assume that according to International Law and certain traditions of warfare this was an accepted act of reprisal. Therefore, I cannot admit --

Q (Interposing) Well, were you talking then as the benign philosopher or as a soldier? When you wrote this letter, 001-PS, in what capacity were you writing it, as a benign, philosophical minister on ideology and culture, or were you a member of the armed forces?

A As can be seen from the document, I have spoken about the fact that here a certain act of sabotage and murder against German soldiers had been committed. And in order to improve conditions, in order to poison relations between Germany and France in the future, and for the reason I have given, this letter for which I am sorry from the human point of view has been written.

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Q It comes a little late, don't you think?

The witness Hoess -- you were in the courtroom when he testified, Hoess, H-o-e--s-s?

A Yes, I heard him.

Q You heard that terrible story of 2½ to 3 million murders which he told from the witness stand, very largely of Jewish people?

A Yes.

Q Although it wasn't brought out here, you can take it from me as being so. If you care to dispute it, you may, and we will establish it later. You know that he was a reader of your book and of your speeches, this man Hoess?

A Whether he reads my books I do not know. Anti-Jewish books have existed for the last 2,000 years.

Q Now, you offered to resign in October 1944 from your position as Reichsminister for the Occupied Eastern Territories.

A October, 1944.

Q You didn't have very much to resign from on that date, did you? The Germans were practically out of Russia, isn't that a fact? On October 12, 1944 the German Army was practically out of Russia. It was on the retreat, isn't that so?

A Yes. It was the question of my further tasks for the political and psychological treatment of several millions of eastern workers in Germany, also of refugees who came from the eastern territories and from the Ukraine to Germany, and the economic affairs which we settled. Then I had hoped that a military change would occur in the East.

Q And everybody, pretty nearly everybody, who was informed at all in Germany knew that the war was lost in October of 1944, isn't that so? You know that the war was lost in October of 1944.

A No, that I didn't know.

Q You didn't know that?

A No, I did not know that.

MR. DODD: I will accept that answer. That is all. I have no further questions.

THE PRESIDENT: Dr. Thoma, do you wish to re-examine?

General Rudenko, have you got some additional questions you want to ask?

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GENERAL RUDENKO: I have a few questions in connection with the activities which were carried on in the eastern territories.

THE PRESIDENT: Very well, General.

BY GENERAL RUDENKO:

Q Defendant Rosenberg, at what time did you begin personally to take part in the attack on the Soviet Union?

A Not at all.

Q Was not your occupation of the post of plenipotentiary of the Fuehrer on questions concerning the Eastern Occupied Territories on the 20th of February in 1941 connected with the attack by Germany on the Soviet Union?

A That was no planning in which I took part, but the consequences of a decision which had already been made, in the deliberations on which I had not been called. A decision had been made and military orders had been given.

If I were to answer the question with yes or no, I would have to answer this, on the basis of the question, with no.

Q You don't deny the fact that this took place in April 1941?

A No, of course not. That is evident.

Q With this nomination, Hitler gave you very wide powers. You carried out collaboration and liaison with the highest leading Nazi authorities, took care of the information, and called the meetings of the Reich authorities. In particular, you collaborated with Goering, with the Minister of Economics, and with Keitel. Please tell me briefly, yes or no.

A There are, again, three questions. As to the first question, whether I had wide powers, plenipotentiary powers, I did not receive plenipotentiary powers at all. The answer would be no.

To the second question, whether I had confidences, the answer is yes, of course. I conferred with the highest authorities of the Reich who were concerned with the East, such as was my duty in connection with my task.

Q Please reply briefly to the following question: After your nomination on the 20th of April 1941, did you have a conference with the Chief of the OKW?

A Yes, I visited Field Marshal Keitel.

Q Did you have a conversation with Brauchitsch and Raeder in connection with your nomination, regarding the decisions to be taken in

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connection with the Eastern problem?

A According to my recoll ection I did not speak to Brauchitsch, and I also have no recollection of having had any conversation with Raeder.

Q You didn't have. Did you have a conference with the defendant Funk who nominated Dr. Schlotterer as permanent representative?

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A The then Reichsminister Funk, of course, wasinformed, and he named for purposes of liaison Dr. Schlotterer.

Q You had some conversations with General Thomas, State Secretary Koerner, State Secretary Backe, and Ministerial Director Riecke regarding the economic exploitation of the Eastern Territories?

A I do not believe that I spoke to Thomas, and I met the other gentlemen later, one by one, and I had liaison with the Ministry for the East. I met Backe later several times. Of course, that was a matter of course. I don't know whether I ever met General Thomas personally.

Q Very well. Then I should like to submit a document in which you yourself stated that you had conversations with the Minister of Foreign Affairs, as a result of which Ribbentrop nominated Grosskopf for permanent liaison with your machinery, and a representative of the political section. Is that correct?

A Yes, that is correct, because the Foreign Minister was informed briefly and appointed the Consul General.

Q Did you receive the responsible representatives of propaganda, Fritsche, Schnitze, Klausse and others?

A Yes, that may have been so. I met most of these gentlemen for the first time then, and it was a matter of course that I had to be informed about that task.

Q You led very detailed discussions with the Chief of Staff of the SA regarding your directives and nominating very important leaders of the SA for carrying them out.

A Of course I also spoke to the Chief of Staff of the SA concerning able assistance in the event of an occupation of the Eastern territories.

Q Yes. I deduce in connection with that that you won't deny that you were the coordinating center regarding the preparation of measures connected with the attack on the USSR.

A Not in that form, because all the tasks concerning the conflict with the Soviet Union were military. They were prepared by Keitel in the military field, by Goering in the economic field, whereas I had a political liaison office in order to tackle the political problems of the East,

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to discuss them and to make my suggestions about the eventual political administration to the various offices, and to direct that policy. I did that essentially in the same sense as you can find it in my speech of the 20th of June.

Q Very well. In the one and a half months before the treacherous attack by Germany on the Soviet Union, you prepared certain instructions for all Reich Commissars in the Occupied Eastern Territories. You won't deny that.

A I mentioned that yesterday. In the line of duty some preparatory drafts were worked out by myself and my assistants. These drafts which have been presented to me were not sent out in that same form.

Q I shall return to this question later.

In the report which you submitted to Hitler on the 20th of June 1941 regarding the preparatory measures referring to questions on the administrati of the Eastern Territories, you said that you had a conversation with Admiral Canaris during which you asked Canaris, in the interests of counter-intelligence, to choose certain people who, while working in the counter-intelligence, could also represent Germany politically and take political posts.

Do you agree with that?

A No, that is not correct. I heard that Admiral Canaris had organized a certain group of Ukrainians for sabotage and allied purposes. He visited me once and I asked him not to mix in the political work, that is, the preparatory work, and he assured me he wouldn't.

Q You don't deny your meeting Admiral Canaris and the conversation in which you asked him, in the interests of intelligence, to select certain people. Do you deny that?

A No -- yes, I deny that, but I do not deny that of course, if Canaris had important political reports it was correct if he informed me abou it. I had no counter-intelligence organization or espionage organization during these years.

Q Well, we are going to submit this document to you.

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GENERAL RUDENKO: Mr. President, perhaps we can declare a recess now, because I will have a series of questions to put to the defendant.

THE PRESIDENT: Very well.

(A recess was taken until 1400 hours.)

Trial

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 17 April 1946, 1400-1700, Lord Justice Lawrence presiding.

ALFRED ROSENBERG--Resumed

CROSS-Examination--Continued

THE PRESIDENT: The Tribunal will adjourn the hearing of this case at 4 o'clock, in order to hear supplementary applications for witnesses and documents. The Tribunal hopes, therefore, that we may be able to conclude the case of the defendant Rosenberg before that. I mean, to conclude the case of the defendant Rosenberg, including his only other witness.

BY GENERAL RUDENKO:

Q Defendant Rosenberg, you replied to me that the conversation with Admiral Canaris did not take place.

A On the contrary.

Q Then maybe this was wrongly translated.

A Probably.

Q I asked you whether you asked Canaris, in the interests of the counter-espionage service, to nominate persons who were working in his counter-espionage service, who would be able to work simultaneously as political workers.

A Yes.

Q Was that the subject of your conversation?

A That is not correct.

Q That is not right? All right. Let's not go into that in detail.

I want to show you a document, and I will read this part into the record.

GENERAL RUDENKO: I mean gentlemen of the Tribunal, document 1039-PS, on page 2; the part is underlined.

Q (Continuing) This is a report on the preliminary work concerning the organization of the Territory of Eastern Europe.

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I read:

"A talk took place with Admiral Canaris, during which we agreed that persons of my office would in no way enter into contact with representatives of the peoples of Eastern Europe. I asked him, in the interests of the counter-espionage work, to name persons who, whilst working as agents of the counter-espionage service, could simultaneously be able to stand forward as political workers, in order that they be utilized in this way in the future.

"Admiral Canaris said that of course he would take my request into consideration and would not recognize any political groups among the immigrants, and that he intended to act in the spirit of my statements."

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A. That is in accord with what I said.

THE PRESIDENT: General, I think you are going a little too fast.

Q. All right. I understand. I ask you, do you confirm this quotation?

A. Yes, in the German verbatim but not in the Russian translation. I understand Russian also and can determine that the interpretation is not entirely correct. For it says here that I, in connection with this confidential relationship, could not negotiate with other countries for a perhaps later collaboration in a civil administration, and point 2 was that Admiral Canaris had contacted groups of Ukraine or Russian people and that I was asking him beyond counter-intelligence, that is, not to do espionage work for me or that I wanted to do espionage work, that he perhaps would tell me about people whom I could use later in a civil administration -- people of other countries. That was the sense of this conversation. And at the end he agreed that he, of his own accord, did not carry out political work.

Q. Defendant, this is absolutely not different from the Russian text. What you just told us now means the same in Russian.

A. The German into the Russian interpretation must have been that. I can only recognize the text that I have in front of me, not any translation which is not in accord with the sense that I mentioned here. The text is being interpreted as though I were trying to carry on espionage work. I only asked Canaris, since I could not carry on political negotiations with the eastern people, to tell me about beyond and above his official capacity what people of the eastern regions, under certain circumstances, might work in the civil administration for me. That was the sense. The translation is not entirely correct.

Q. Very well. But you confirm the German text?

A. Yes.

Q. It means you were connected with counter-espionage?

A. No, that is not correct. I only received Admiral Canaris and told him that in his official capacity which he had to carry out not to deal with political plans, for that was my sphere.

Q. All right; very well. You heard the warning of the President of the

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Tribunal to answer briefly, and I beg you to do so.

A. I will try to answer briefly if the question is put to me factually.

Q. Next question: I will put to you several questions concerning the aims of the war against the Soviet Union. Do you admit that Nazi Germany, having prepared and pursued war against the Soviet Union, aimed at plundering the economic riches of the Soviet Union, exterminating the people, sending them into slavery, and the dislocation of the Soviet Union? Do you admit this or not?

A. As far as questions are being put to me at one time --

Q. I ask you: Please answer briefly. Do you admit the aims of the aggression as I have put them to you?

THE PRESIDENT: You can answer that question yes or no.

A. I must answer no to all four questions.

Q. All right. Let's turn to a few documents in this connection. I have document 2718-PS, which is an account of a meeting, and a memorandum dated the 2nd of May, 1942.

(A document is handed to the witness.)

Will you please follow? This document reads as follows:

"War will last if all armed forces, after three years of war, shall be supplied --"

THE PRESIDENT: Is that the beginning of the document?

GENERAL RUDENKO: Yes. We have an English text here.

THE PRESIDENT: My copy begins "as already announced, there are transmitted the reply letter of Hitler to the Duce in the presence of Ciano at 0910 hours." Is that the document?

GENERAL RUDENKO: I do not hear the translation.

THE PRESIDENT: What is the number of the document?

GENERAL RUDENKO: 2718-PS.

THE PRESIDENT: I have the wrong document.

BY GENERAL RUDENKO:

Q. Will you please follow: "War can last if all armed forces, after three years of war, will be supplied with foodstuffs from Russia. There is no

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doubt but that as a result many millions of people will die from hunger if we take out of this country everything that we need."

Do you deny that?

A. Neither did I write this nor did I participate in these sessions, and I cannot determine whether anyone of my collaborators knew anything about this meeting. It says at the top that it was a secret matter, two copies, first to the files 1-A, and the second to GEN. Two people in the armed forces knew about this.

Q. Do not go into that in detail. You do not know about this?

A. This document has been submitted twice already.

Q. Take the next one. Let's go on to the next one.

THE PRESIDENT: The question was whether you knew of this document.

A. No.

Q. Next document, which determines the aims of the war. This is an instruction to the cive-commissars of the Baltic countries and of Byelorussia. You state the following. I am reading now document 1029-PS. The part which I will read is marked on the m argin:

"The task of the Reich plenipotentiary for Latvia, Estonia, Lithuania, and Byelorussia must be the creation of a German protectorate, in view of later transforming these regions into a fundamental part, and an organic part, of the great German empire, by germanizing of those elements, the colonization by a percentage of the German race, and extermination of undesirable elements." Do you remember this instruction? Please reply first.

A. Yes, I am familiar with this document. I remarked already yesterday that at the beginning all sorts of drafts were made in my office which were not approved by me. The corrections were made by me.

Q. I asked you very clearly, do you know this instruction or not?

A. But I also heard the wrong translation. Nothing is mentioned about destruction, but colonization is, and the Russian interpretation again said destruction. If it is interpreted and translated that way then the question appeared in the Russian translation as an affirmation, and that is a wrong

H0112-0064

translation which is being given out which I can follow only because I speak Russian.

THE PRESIDENT: Defendant, you can be heard perfectly well without shouting.

THE WITNESS: I beg your pardon.

Q. You are only correcting an error in the translation, but as regards the rest -- germanization and colonization -- is that right? Does that sound right or not?

A. Even as that it is not translated correctly. Here it says colonization of German peoples, and now you are translating germanization and colonization. These are two substantives which give an entirely different context, and I would like to add that this draft by a collaborator of mine was not actually issued and no instructions are concerned with here.

Q. But I asked you, was there such a draft or was there not such a draft?

A. I am not disputing the existence of that draft in my office and its submission to my office.

Q. All right. We pass on. This instruction concerns the aims of the war. It is an instruction for all Reich commissars of the occupied territories of the east, dated 8th of May, 1941. This is document 1030-PS. I will only read a short excerpt, which states -- I quote on page 4. This excerpt is marked on the margin. In this instruction you stated that this coming struggle would be a struggle for the supplying of Germany from all Europe with raw materials and foodstuffs. Do you confirm this?

H0112 - 0065

A Yes; as a matter of course, this document was presented in my office as a draft. That is correct and I am not disputing that.

Q I will remind you again, please reply briefly. You confirmed this point and you answered yes.

A This document, yes.

Q All right. This statement was made before the attack upon the Soviet Union. I will not submit the document to you as it has already been presented to the Tribunal several times -- I mean a conference which took place in Hitler s office on the 19th of June 1941. This is document L-2021. You assisted or were present at this conference, were you ?

A Yes.

Q Hitler said that all the Baltic States would have to be an integral part of the Reich and the same referred to the Crimea, and maybe regions as well as the Volga Districts and also Baku area. Do you recall these statements of Hitler?

A I am just seeing this document for the first time, as a copy of Bormann's; at that time, the Fuehrer explained fundamentally with explanations of a rather pationate nature. I did not take any note of that conference but, of course, he did speak about the Crimea and he mentioned that because of the tremendous power of the Soviet Union, later, no bearers of arms should be there.

Q I do not ask why. I ask you, did he say that?

THE PRESIDENT: General Rudenko, you are going to fast. You must wait until the man is finished.

GENERAL RUDENKO: He is going into too many details, Mr. President; that is why I interrupted.

BY GENERAL RUDENKO:

Q You agreed with Hitler's idea concerning the seizure of these territories.

A We can see from the document, and you can see from my speech, how I pictured the self-determination of peoples in a new order of States and opposit and contrary to the exposition of the Fuehrer, I did speak.

Q I am asking you whether you agreed with these proposals of Hitler or whether you objected to them.

H0112 - 0066

A And it may be proved that I protested and even in the record it is shown.

THE PRESIDENT: The Tribunal isn't concerned with whether or not it can be proved. The question is, did you agreed or not. You can answer that, I suppose. Did you agreed or did you not agree??

THE WITNESS: I agreed to many points and rejected other points, but this is a compilation of at least ten points.

THE PRESIDENT: Well, that is an answer.

BY GENERAL RUDENKO:

Q All right. We will return to this question later. I am now turning to your own directives which you issued as Minister of the Occupied Territories in the East. They were already presented to the Tribunal as NO. 356-PS and 347-PS. First of all, I would like to put to you one question. What is this "brown file"?

A The "brown file" as far as the civil administration of the Eastern Ministry is concerned, it was compiled by this Ministry in request of the Economy Department for personnel welfare, of the technical supply for official in the East and in the Ukraine. It was a first attempt at a general regulation

Q All right, and on the "green file" all right. Now, let us turn to your directives. Document 437-PS. We will directly show you this document.

H0112-0067

Will you notice the part which has been underlined, on page 39, if I am not mistaken. I will read this paragraph. "The first task of this civil administration in the Occupied Territories of the East is with respect to the interests of the Reich. The stipulations of the Hague Convention regarding land warfare, which foresees the administration of occupied territories, territories occupied by a foreign power, are not in effect for the USSR can be considered destroyed; therefore, all measures which the German administration will deem necessary or convenient to apply will be admitted."

Do you agree that this exposes your secret designs, although you somehow proclaim the Soviet Union as destroyed too hastily?

A In the Russian translation I heard the word "plundering", but the word "plundering" is not found in the German text at all. If the German text is translated in that way, that everywhere --

Q I interrupt you and say that word "plundering" is not in the Russian text, which I just read into the record; so I believe you are simply inventing or at least you did not hear rightly.

A May I say a few words in this connection, please?

Q I ask you, did you write this?

A I did not write it but it was a circular letter which was published in the Eastern Territories and I am responsible officially for the "green brief case" or folder, but I would like to say a few words of explanation. The explanation about the situation of international law in the East, that explanation was given to me from the Fuehrer's headquarters, that the position of the Soviet Union, as far as the Hague Convention is concerned, that the stipulations did not apply in this case; and point 2, this document contains many pages and it is impossible for me therefore to read it in its entirety; but on the second page, I see a paragraph which shows very obviously in what effect the wording was, and the verbatim is --

Q Defendant Rosenberg, one minute, please.

THE PRESIDENT: We must try and conduct this cross examination in an orderly fashion. Now, what is thequestion? What is your question?

H0112 - 0068

GENERAL RUDENKO: I put to him the question, whether he admitted that he knew of the task put before the civilian administration in the Occupied Territories as they are laid out in the quotation which I justread. He said that he did know. I have exhausted my questions. The document is in possession of the defense and the defense will be able to quote other parts of this document, which is a very long document, when it wishes, and we won't quote it in order to save the time of the Tribunal.

THE PRESIDENT: You answered the question. I understood what the question was, and that you were told that the Hague Convention did not apply to Russia.

THE WITNESS: Yes. The next to the last paragraph, the most important condition, that is, for the development in the East, is the treatment of the country and of the people in this accord. The war against the Soviet Union is to be carried on with the securing of foodstuffs and that the German objective is to be one of order. The occupied country is not to be considered as an object of exploitation, even if the German food supply and war economy needs and demands larger areas, and in a large scope, and I believe I may be ableto say that we are taking into consideration the necessities of the inhabitants, a consideration which cannot be expressed more unequivocably and more significantly.

BY GENERAL RUDENKO:

Q Very well. I will put to you the question as to how you treated the population, although you must have heard quite a lot about this treatment during the past five months. We pass on. I asked you about the Crimea and you said that, yes, Hitler proposed to annex the Crimea to Germany. Do you remember that you did not only approve of these plans but you also thought out fresh names for towns; for instance, Simferopol was to be called "Ottenburg" and Sevastopol was to become "Theodorichafen." Do you remember that?

A Yes. The Fuehrer told me that a change of names was to be considered by me, just as we had talked about the changing of names of other cities.

H0112 - 0069

Q Yes, of course.

DR. THOMA: Mr. President, I am expected to conclude my entire case at four o'clock. I am not quite certain how I can do that.

THE PRESIDENT: The Tribunal hasn't laid that down as a condition. I didn't make any order about it. I only said that the Tribunal hoped, and the "hope" was addressed more to the prosecution than it was to the defense.

DR. THOMA: Mr. President, if I may be permitted to say, the Soviet Prosecutor has submitted documents again which I already submitted yesterday and on which the defendant has answered already yesterday. I am referring to PS-1029 and 30. The defendant already took the position yesterday.

H0112 - 0070

THE PRESIDENT: You are wasting the time of the Court by making this entire interposition.

BY GENERAL RUDENKO:

Q Thus you admit the change of thenames of Crimean towns.

Next question -- you also occupied yourself with the transformation of the Caucasus and you had organized a special Staff K, is that so?

A Yes.

Q Furthermore, you selected a Georgian prince, an adventurer from amongst the emigres, a PrinceMichansky, is that true?

A Yes, that is true. He did mention that, we spoke about him but he was turned down as a candidate in this case.

Q He was rejected, is that so? Very well.

As regards the transformation of the Caucasus on 29 June, 1942 you compiled a special report, is that true?

A It may be, yes, I believe that is true. It is quite a lengthy report.

Q And I will show you this report in order to draw your attention to one shor t excerpt.

GENERAL RUDENKO: I have in view, Mr. President, a document which has already been submitted as U.S.S.R. Exhibit 58.

BY GENERAL RUDENKO:

Q Please pay attention to page 7 and an excerpt which is marked and which says first that the Germans must seize the entire oil.

"As regards our participation and exploitation and purchase of the oil we will be able to come to an agreement subsequently." Will you find that spot?

A On page seven of the text I find the passage, yes, I have found it.

Q Do you confirm this statement was made by you?

A This document is a memorandum issued by my office and I affirm and confirm that it is correct.

Q Very well.

A May I make two remarks in addition?

We are not talking about an oppression of a people but an assurance of authnomy and the mitigation for these people but I cannot draw up all points when I look at only one passage because this document has fourteen pages.

Q Defendant Rosenberg, I will ask you now in regard to the tasks of the Germans as to this oil business. Will you look at page 14 of this same report? This is how you define these tasks:

"The problems of the East consist in transferring the Baltic peoples to a German cultural basis and to prepare on a vast scale the military frontiers of Germany. The task as to the Ukraine is to assure Germany and Europe with food-stuffs and the task in the Caucasus is in the first place a political task and a means to an extension of continental Europe from the Caucasus to the middle East and the German supervis ion thereof."

A Yes.

Q You do not deny that these were the plans, actual plans?

A I affirm that it is set down correctly and that it is in accord with the eastern policy as had been the case before 1940 for at that time the Ukraine was a country of exports, raw materials and foodstuffs.

Q Yes, you also knew that part as to the Ukraine.

I will put the last question concerning aggression. After having seen these documents which you do not deny, do you admit the aggressive and plundering character of Germany's war against the Soviet Union and your personal responsibility for the preparation and the commission of this aggression? Answer briefly. Do you admit this or do you not?

A No, but I did not consider this a war of aggression on our part, in other words vice versa.

Q Of course but we will not go into that.

I have a few questions to put to youconcerning the administration and Germany policy in these territories.

Who was the highest figure in the German administration and Reich Commissariate?

A As far as the administration and the giving of laws in the eastern countries is concerned the Minister for the Eastern Occupied Countries was competent and the Reich Commissar for Territorial Government.

THE PRESIDENT: General Rudenko, the Tribunal has already heard all about the administration, the former administration and

H0112-0071

H0112-0072

personnel of the administration.

GENERAL RUDENKO: I have only two or three questions to put in this respect.

BY GENERAL RUDENKO:

Q Could the General Commissar issue orders for the execution of hostages?

A At this moment I cannot recall whether he had such authority by law or whether that came under the police but I cannot answer with assurance for at the moment I do not recall a decree to that effect but it is not entirely impossible.

Q It is possible? Very well.

I would like to remind you that you personally foresaw this possibility of issuing such an order. I will, however, not show you the document and we will pass to another subject.

A lot has been said here about German policy in occupied territories. I will therefore only put another few questions to you.

First of all, as regards the Ukraine, you here describe the situation in such a light to show that Koch was the sole person responsible whereas you were, on the contrary, the benefactor of the Ukrainian people.

A No, that is not correct, I did not say I was their benefactor.

Q In your document which has been submitted by your defense counsel and I will therefore not submit it to you, Ro 19, you recollect that you wrote in a letter to Reich leaders of the police in November 1942:

"Koch stated the Ukraine is for us only an object of exploitation and that she must pay the expenses of the war and that the population must be utilized for the solution of military problems as a people of second grade, even it we have to starve it out."

This was the policy of Koch in the Ukraine. Documents which were submitted by your counsel and which I will show you --

A. May I please answer? I do not have the document in front of me and do not recall the exact wording but I do know it was a letter written by Riecke to me in which he asked me --

Q. Koch?

H0112-0073

A. Yes -- complained and he used rather drastic language and in which he stated both of us would be satisfied with a well-balanced order of work.

THE PRESIDENT: The Tribunal has been all over this matter of Koch as to the Ukraine today and so it is not helping the Tribunal to go over it again.

GENERAL RUDENKO: All right, Mr. President.

BY GENERAL RUDENKO:

Q. You have stated here repeatedly as regards the atrocities and extermination of the Soviet population that you were not informed and that these were police measures. Did I understand you correctly?

A. No, that is not exactly true. I was informed of many battles with partisans and bands and I was told about some shootings and also I was told about the fact that German agricultural leaders, German officials and police men had been attacked by these partisans and bands and had been murdered by the thousands.

Q. Very well. We know that the partisans who fought against enemies of the country were called by you bandits. I do not argue that. But I am speaking of the extermination of the civilian population, of old men, women and children. Did you know about that?

A. We were especially interested and we tried very much to spare the civilian population and protect them and when we heard about exaggerated measures by the police we put the most severe demands to them that even though the battle was raging very violently these considerations would be followed and the police told us that it was easy to make those demands but if the partisans murder and burn five hundred men with their families and we are attacked from the rear then, of course, there are definite conflicts that follow.

H0112-0074

Q Il will remind you that in your directive concerning occupied territories and organization of administration and the primary task for administration, you personally planned as your first task the police measures which were not explained. Do you deny this now? I ask you, do you deny this now?

A If it is document 1065, seven measures were to be taken, the first one I cannot tell you at the moment. I ask that you submit this document to me. Please submit it to me.

Q I will show you the first point "A", the police measures which is in the very first place.

THE PRESIDENT: Has this document been put to him?

GENERAL RUDENKO: Yes.

THE PRESIDENT: What is the use of going into it again?

GENERAL RUDENKO: Because he asked for it. I would only like to say that the defendant tried to say that he was not informed and that these were purely police measures. I am now going to prove that he put as his primary task the commission of these police measures.

A It goes without question that in occupied territories the police in the middle of such a war have to take police measures of security. And the third point is the supply of the population with food stuffs in order to avoid famine. I repeat, supply of the population in order to avoid famine, the outbreak of famine.

Q Very well. Very well. Be sure about this; we talked about this in detail yesterday. I have a few last questions to put to you. First of all, I would like to ask you about the Zuman incident. The document has already been submitted to the record, but I consider it my duty to put to you this question concerning the shooting of the Soviet citizens for the pure reason that a shooting place was needed. You remember this document?

A Yes; I have given an extensive explanation yesterday.

H0112 - 0075

THE PRESIDENT: General Rudenko, this has been gone into before before the Tribunal. Why should the Tribunal's time be taken up by going over and over again on the same grounds? We have said that we would not have things done cumulatively.

GENERAL RUDENKO: A few details of this question are of great importance, and the defendant did not explain them, and I wish very much -- I feel very strongly.

THE PRESIDENT: Very well, the Tribunal will adjourn to consider the matter.

(A recess was taken.)

THE PRESIDENT: First of all, the Tribunal will rise tomorrow at half past four; Now, as to this question, the Tribunal thinks that the matter has been sufficiently gone into, but, if there is any particular point which has not been dealt with before, a question may be asked in that connection.

GENERAL RUDENKO: Very well, Mr. President.

BY GENERAL RUDENKO:

Q Defendant Rosenberg, on the 2nd of April 1943, you addressed a letter to Himmler regarding this incident, regarding the shooting of hundreds of Soviet citizens in the region of Zuman because this place

H0112-0076

was necessary as a hunting ground. Didn't you address such a letter to Himmler? Until June, 1943, you were interested. What were the results of this letter? Weren't you interested in that?

A First, I wrote to the responsible chief of the German Police and I had to wait for what measures of security in the Ukraine the man who was responsible for it would take. When I did not receive any further information, I used this case for a complaint with the Fuehrer.

Q When did you tell it to Hitler?

A The complaint to the Fuehrer took place in the middle of May, 1943, and the file,which was very extensive, probably reached him several weeks before; that is, between the 2nd of April and the middle of May. That was about five or six weeks, I believe. That is a very fast complaint because, first, it had to be read by Lammers and Bormann; then it had to bereported to the Fuehrer. The Fuehrer had to make his decision and give his directives; and then I was called to the Fuehrer.

Q When was this complaint discussed for the last time?

A In May, between the middle and the end of May, 1943.

Q Was it discussed in the presence of Koch?

A Yes, indeed.

Q Yesterday you told the Tribunal that Koch presented a report to Hitler, a report from the high Forestry Office.

A Yes.

Q Therefore this memorandum stated that it was a struggl against the guerillas?

A Not quite exactly like that; but it said that that district had to be utilized for the necessary supply of lumber fo the armed forces, and that these needed forests harbored many partisans and guerrilla bands; therefore, there was a great dange for the workers who would work in these districts, and it had com to shootings between them and partisans and guerrilla bands; and, since one could not watch over them, a transfer of the people from these forest districts into areas further to the south took

H0112-0077

place. Koch added that then many of these people who had been transferred had said that they had received better land than they had had in these forest districts. That was the explanation that Koch had given.

Q Yes, it's understandable. They were grateful that one December night they were evicted from their houses and taken sixty kilometers and back and hundreds of them were shot. However, I should like to ask you the following: In your letter to Himmler you also attached the memorandum from the Forestry Office, and in this memorandum from the Forestry Office it is stated -- I am going to read this point and you should really remember this terrible case when citizens were shot on account of hunting.

In the memorandum of the Forestry Office it is stated without doubt that, first of all, in the interest of hunting, there was undertaken an evacuation of many villages situated in the forests of Zuman.

Is it correct? This is contained in the memorandum.

A Yes, I only want to point out that we are dealing here with an assistant for forest economy in Berlin, who had added that, on the basis of his report and the chief of the people's administration in the Ukraine, himself.

H0112 - 0078

Q. The last question in connection with this incident: Did you believe Koch when he stated that?

A. If I am asked like that, that is hard to answer, but there was --

Q. (Interposing) It is exactly on your conscience.

A. There was a description of conditions by the forestry people, and I could not protest against that, and I have to say that I may have made a mistake.

Q. I quite understand. I shall finish with just reminding you of one quotation from your speeches:

"For hundreds of people in Zuman who were shot by the police forces because their moods were Communist inclined, not one Ukrainian believed that. The Germans were also astonished at this statement, because if this had been done for the safety of the country then the other elements who were contaminated with Communism should have been shot also in other regions."

I have here to put to you the last question. Here in the Tribunal yesterday several times you declared that you wanted to resign your post. Moreover, you spoke about your letter to Hitler, dated the 12th of December, 1944, where you stated -- regarding this my colleague, Mr. Dodd, has already reminded you that at that date, December 1944, the Reich Minister of Eastern Territories didn't have any more territories, because the Germans were out of Russia by that time.

You, who for years dreamed about getting this position of Reich Minister and even becoming a member of the Secret Council, you asked Hitler that you would be granted this position of Reich Minister. Do you remember that?

A. I was never a member of the so-called Secret Cabinet. That is not correct. Secondly --

Q. (Interposing) Well, I shall correct myself. You dreamed of becoming a member of the Secret Cabinet.

A. Yes, that's correct.

Q. And also dreamed of becoming Reich Minister.

A. Well, the question became acute for that task. There was a discussion about the form of that task. Dr. Lammers told me the Fuehrer intended

H0112 - 0079

either to appoint a Reich Inspector because he wanted to --

Q. Defendant Rosenberg, please. So that we won't linger too long on that question, I am going to submit to the Tribunal a document. This is your personal letter, the last document --

THE PRESIDENT: (Interposing) In the first place, I don't know what the question is, and you are interrupting the witness before he has answered any question.

GENERAL RUDENKO: No, Mr. President. I have one aim here, because I should like to shorten my interrogation in accordance with the desire of the Tribunal. So I am going to submit the letter of Rosenberg of the 6th of February 1938, addressed to Hitler, where he requests this post from Hitler. We are submitting this document as Exhibit USSR 117.

BY GENERAL RUDENKO:

Q. Defendant Rosenberg, I am going to read this document into the record. It is not very long.

"6th of February 1938. My Fuehrer, because I was unable --

THE PRESIDENT: The document is translated into German, isn't it? It is in German to start with. It isn't necessary to read it all. You can put it in like other documents.

GENERAL RUDENKO: Very well.

BY GENERAL RUDENKO:

Q. In this letter you expressed your being hurt in connection with defendant Ribbentrop as Minister of Foreign Affairs. Is that correct?

A. Yes, yes.

Q. You thought that the post of the Minister of Foreign Affairs in the Hitler Cabinet could have been filled by yourself, defendant Rosenberg; is that correct?

A. Yes, and I don't find it so extraordinary for me that I shouldn't have been able to express my wish to be used in the foreign service of the German Reich.

A. Very well. You in this letter speak of the existence of the Secret Cabinet; is that correct?

H0112 - 0080

A. Well, may I read this letter, because ---

Q. Very well, yes. Please read it through.

H0112-0081

A Yes, I have read this.

Q Everything that is contained in it, is it correct?

A Yes, yes.

Q This is your own letter?

A Yes.

Q You asked to be appointed into this Secret Cabinet?

A Yes.

Q You asked for the position of Reich Minister?

A Yes. I reported that I had spoken to Party Member Goering about the question of the appointment, and since the Fuehrer had charged me with the ideological education and also the foreign political office of the Party still existed, that the impression could be made in the Party if I would be refused by the Fuehrer. Therefore, I asked the Fuehrer to receive me with respect to that matter, and I think it quite logical that I wanted to speak about an eventual inclusion of my person in the German Reich Cabinet.

Q Therefore--here is my last question--you were the nearest colleague of Hitler in carrying out all his plans and his ideas.

A No, that is not correct; that is absolutely wrong.

Q Very well, let's consider it as a reply to my question.

GENERAL RUDENKO: I have finished, Mr. President.

M. MONNERAY: Mr. President, I have only a few questions to ask the accused.

BY M. MONNERAY:

Q Accused Rosenberg, is it exact that the deportation and the execution of the Jews of France gave the opportunity to your organization to seize furniture and valuables which belonged to these Jews?

A It is quite according to facts that I have received a Governmental order to confiscate apartments and other properties of Jewish civilians in France.

Q In other words, the mass deportation of Jews could only increase the profits of your confiscation and seizure operations; isn't that exact?

A No. The deportation of Jews hasnothing to do with that affair.

H0112 - 0082

The suggestion for these measures was given, as I said yesterday, only after receiving the report that Jewish people in question were no longer present in their houses and apartments, that they had left Paris and had not returned.

Q Once the Jews were deported they were absent, isn't that true?

A When the German troops marched in, Paris was almost depopulated. The rest of the Parisians and inhabitants of cities in the north of France returned in time, but, as I have been informed, the Jewish population did not return into these cities, especially not to Paris. Therefore, they were not deported, but they had fled. I believe the number of those who had fled was given as 5, 6, or 7 million.

Q Do you mean to say by that, Accused, that in the time afterwards when they were in the course of the German occupation of France under the new deportation measure, the apartments and homes of people deported were not then seized by your organization?

A No, that I cannot express that way. It may very well be that the apartments of Jewish personalities who had been arrested may have been confiscated, but I could not give any express information about that.

Q One can therefore say that the deportation measures gave to your organization a greater chance of succeeding in seizures and confiscations; isn't that true?

A No, this is not according to facts. As can be seen from the report which the French Prosecution made here, the measures taken were those that apartments were confiscated by the police, sealed.. They waited two months to see whether or not the owner of that apartment would return, and only after the identity had been established and it had been established that this was not the case was the furniture transferred to Germany for those whose apartments had been damaged by bombs. That can be seen from the repor which the French Prosecution has submitted.

Q I suppose that there are very few cases--and I am sure you would agree with me on that--there was very little chance of people deported returning after two months.

H0112 - 0083

A Yes, yes, indeed. I was informed about cases. Even in the regrettable document, 001-PS, we can read that we had heard that a large number of Jewish personalities formerly arrested had been released again.

H0112 - 0084

Q You know, certainly, the memorandum which you sent to Hitler on October 3, 1942, which has already been presented to the Tribunal1 Exhibit No. 1327. In that document you remind Hitler of your competence and your powers, and you say that it is a matter for you as Minister of the Reich for the Occupied Territories of the East to seize the homes of Jews who had taken to flight, who were absent, or who were called to leave. If you wish, I can submit to you this document in order to refresh your memory if necessary.

The first lines of that document are the ones I am referring to. It is a document of the 3rd of October 1942, which has already been produced.

A Yes, that is according to facts, and as I said before it is possible that a number of apartments of arrested people, other people who were absent, were included in that, but as I have said, in the other report there was more detailed information. But this document as such is according to facts.

Q The consequence of this document was that you were entrusted not only with the seizure of apartments which you had found vacant at the time of the arrival of the Germans in Paris, but also of homes and apartments of people who were called upon to leave in the following months, as you say.

You know surely, Accused Rosenberg, under what conditions, in territories occupied by the Germans in the West as well as in the East, Jews were called upon to leave. You know that it was in special trains, generally, which led them to concentration camps.

A No, I did not know about those trains. We dealt with definitely deserted apartments, and I was probably informed that eventually also the apartments of people arrested would be taken into consideration. More is not said in here, and I could not give you any further information. As to the reports which have been submitted here before the Tribunal, I have seen them here for the first time. I only know that in the end I

H0112-0085

was informed that before the conquest of Paris by Allied troops, all available furniture was turned over to the French Red Cross.

Q According to the document which you have before your eyes, do you agree with me on the following points, that your organization had the right to seize valuables and homes which had become vacant after the arrival of the German troops in Paris? Do you agree with me on that point?

A Yes.

Q You have just said that you had no knowledge whatsoever of the deportations in special trains to special destinations. Do you know -- and I suppose you do know it since the document to which I am referring has already been produced before the Tribunal -- that in Paris every Tuesday since 1941 and until the end of the German occupation, Tuesday meetings brought together the representatives of the various German organizations in Paris, that is to say, the experts in Jewish affairs in the different German organizations, a representative of the German Military Command, a representative of the Administrative Division, a representative of the Police Division, and a representative of the Economic Service. At these meetings there was also present a representative of the German Embassy in Paris, and also a representative of your special staff.

I am referring to Document No. RF-1210, which is a report of Dannecker of February 22, 1942, and he was the chief of those responsibilities and the great expert on anti-Jewish terrorist action in Paris during the occupation. If you wish, I will submit that document to you.

A I remember these explanations very well, but I have never received a report about these Tuesday conferences which took place regularly. However, my plenipotentiary for the furniture action had to keep in liaison with the police. That was a matter of course, since the confiscations of such articles could not be made by my office. That was a definite right of

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the police, and therefore one had to speak to the police about these things. It was not reported to me that there were such regular Tuesday conferences, because I would have received such a report; I would have seen it.

Q You agree, however, that these Tuesday meetings were extremely useful for the interests of your organization. As a matter of fact, in those meetings there were discussed and finally decided various actions; collective actions, which had to be taken against the Jews, that is to say, arrests and deportations and police raids. Didn't it therefore seem completely logical and natural for your organization that it should have been regularly informed of these actions in order that it might be able to draw the economic consequences of such seizures of property.

A No, in my opinion that is not logical at all, because if the chief of police concerned sent such secret transports into the camps as was said here, then it does not follow that every Tuesday in conference with many other gentlemen he would report about that. Neither do I believe that this chief of police informed the representatives

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of the Foreign Office about these things in detail.

Q You are, perhaps badly informed on this points, but I would like to read again the passage of the report which says the following:

"The conference had as a result that complete alignment of Jewish policy could be"--

THE PRESIDENT: (Interposing): The witness has said, has he not, that he doesn't know anything about these Tuesday meetings, he received no reports of them?

M.MONNERAY: Yes, Mr.President.

THE PRESIDENT: Then why are you asking about them?

M. MONNERAY: This document establishes the fact that the services in Paris worked actively in the terrorist policy of the police and benefitted by it.

THE PRESIDENT: You haven't been able to connect him with these reports, with the document. He has not signed the document. Nothing shows on the document that he received it, at least I suppose not, or you would have put it to him. He says he didn't know the document.

M.MONNERAY: Allow me, Mr.President, to ask, in that case, one question, which is to know whether he contests the reality of the indications concerning the representation of his Paris organization at this meeting.

BY M. MONNERAY:

Q Do you contest his presence at this meeting?

A I cannot give any information about that because I have not received any report.

Q I would like to conclude this questioning by reminding you of a document which has already been produced, quoted, and discussed, that is, PS-001. In that document, the accused in the first paragraph proposes the transport of all seized furniture to the East, and in paragraph 2 he suggests to Hitler that there should be shot as hostages some French Jews instead of other Frenchmen.

Considering, as a result of the questions and answers, that the services of the accused could benefit by measures of execution and deportation, it seems that the real motive of this document is very clear

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It is necessary -- isn't that your opinion, Accused -- first to get rid of the people, in order to be able afterwards to seize their valuables?

A No, that is not true.

M. MONNERAY: I have no more questions to ask, Mr. President.

THE PRESIDENT: Do you want to ask anything of the witness, Dr. Thoma?

DR. THOMA: Mr. President, may I quite briefly ask the defendant whether he wants me to ask him another question?

THE WITNESS: No.

DR. THOMA: Thank you. The defendant does not want any more questions.

Then, with the permission of the Court, I should like to call witness Riecke.

THE PRESIDENT: Will he be long or not?

DR. THOMA: I believe half an hour at most.

THE PRESIDENT: All right. Well then, the defendant may retire.

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HANS JOACHIM RIECKE, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q What is your name?

A Hans Joachim Riecke.

Q Will you repeat this oath after me?

I swear by God, the almighty and omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

Dr. Thoma, will you spell the name, please?

DR. THOMA: R-i-e-c-k-e.

BY DR. THOMA:

Q Witness, what position did you have in the Economic Staff East and in the Foreign Ministry?

A In both cases, upon orders from Goering, I was in charge of Group Nutrition and Agriculture.

Q What was the task of these offices?

A The main task of these offices was the reconstruction of Russian agriculture, which had been damaged by the war. The second task was the utilization of the surplus areas of the South for the armed forces and for nutrition purposes.

Q What offices had been established in these areas?

A Next to the Foreign Ministry there existed a number of special task forces: a special task force Goering for economy, Himmler for police, and Sauckel for manpower.

Q Who was agriculture under?

A Agriculture, just as was the entire economy, was under Goering. He gave directives immediately, or through State Secretaries Koerner and Backe.

Q Was the quota for agriculture higher than under the Soviet Government? That is, the quota of deliveries.

A The quota of deliveries was adjusted to the former Russian quotas. In fact, during the first year, the delivery quota was lower than it had been during the Russian era. In the next year, as far as crops were concerned, it was lower; as far as livestock was concerned, higher.

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Q Were the actual deliveries according to Goering's directives?

A No, Goering had essentially higher expectancies.

Q Did Germany ship agricultural machinery, scythes, sickles, and so on, into the Eastern Territories, and in what quantities?

A A large agricultural program, under the name of East Acreage Program -- Ost Acker Programm -- was established in Germany. The intention was -- and it was actually carried out -- to send large amounts of agricultural

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machinery to the East. The reason for that was the large-scale destruction of agricultural machinery by the Russians.

Q On the 5th of February, 1942, an agricultural decree was issued. What were the reasons for that?

A The main purpose of that agricultural decree was to get the population to cooperate voluntarily. First it was intended to maintain a collective economy. That proved to be impossible because, as has been mentioned, a large amount of machinery was no longer available, such as tractors. On the other hand, it was not possible, the way thepopulation wanted it, in part, to resort to individual farming because smaller machinery was also missing. Therefore, a compromise was made of cooperatives, where the Russian peasants got a share of the land but they had to contribute part of their work within the community.

Q What was the result?

A The consequence of that new agricultural order was generally favorable. The extent of the planting increased. A good example of the consequences is that conditions in the so-called Kharkov Basin improved, because in the spring of 1942 the agriculture industry which had been changed into cooperatives had already achieved more than 70 percent of the spring planting, whereas the others only achieved about 30 percent.

Q On the 3rd of June, 1943, the so-called property declaration was issued. What were the basic principles of that?

A The basic purpose of that property declaration was to turn over the shares into the property of the individual Russian peasants.

Q Speaking about the vegetable supply of large cities, how was that handled in the Ukraine?

A- Around the large cities, land was turned over to individual owners.

Q Now some questions about Latvia.

Did the German Administration confiscate the land of Latvian peasants?

A No; quite to the contrary. The socialization which the Russians had established during their occupation was waived, and the land was

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returned to thepeasants. To say it in one sentence, the conditions existing before the Russian occupation were reverted to.

COLONEL POKROVSKY: I beg to be excused, but I cannot understand, with the best of wishes, what all these questions, even in the remotest way, have to do with the affair of the defendant Rosenberg. It seems to me that further questions of the defense counsel, if they are along these same lines, should not be allowed.

THE PRESIDENT: Dr. Thoma, you ought not to

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show that what the witness is testifying about is connected in some way with the defendant Rosenberg?

DR. THOMA: With this question I wanted to,,first, refute the Soviet assertion that that country, after occupation, was returned to the Baltic Barons. I want to point out document USSR 4957, which I submitted yesterday. Secondly, I wantto prove that that area had been administered in an orderly way and in such a manner that the population cooperated voluntarily. Thirdly, I want to prove that during the entire German occupation not one Ukrainian or not one citizen of the Soviet Union had starved, because the agricultural program was successful.

I can only prove that by the statements of an expert. I have only a few more questions, and I think I will be through with that subject very shortly.

THE PRESIDENT: Go on, Dr. Thoma.

BY DR. THOMA:

Q. Did the German Administration in Latvia confiscate the land of the Latvian peasants?

A. I have answered that question already. On the contrary, socialization was revoked and the land was returned to the Latvian peasants. In other words, conditions were such as they had existed before the Russian occupation.

Q. Were former large, German estates reinstated?

A. No. On the contrary, Latvian peasants' property -- which, after 1919 was created at the expense of large German estates -- was left in their hands.

Q. What were the ideas behind the so-called reprivatization?

A. That reprivatization should give to the Latvian peasants the right to run their own property.

Q. Did that also concern Estonia and Lithuania?

A. The law, in a similar manner, concerned also Lithuania and Estonia.

Q. Do you know about a statement of Darre's that the local peasants should have their small properties transferred and proletarized?

A. I do not remember any such statement.

Q. Do you know about the Society for the Administration of the Eastern

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Area -- the Geschschaft fuer die Bewirtschaftung des Ostlandes?

A. There were two societies by that name, and I assume that the one you are referring to was the one founded in order to take care of the state-owned property in the East Baltic provinces. In all Russian territories of the so-called Reich Commissariat Eastland, the RTS also took care of these areas.

Q. What was the attitude of Rosenberg toward the various measures of recruitment of supply, such as foodstuffs, etc.?

A. Rosenberg could not do anything against the orders of the Fuehrer. He had always insisted that these measures be carried out without force against the population.

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Q Who took care of the ostland workers in the Reich?

A To my knowledge the labor offices.

Q How were the east workers quartered in the Reich? Did you know anything about it?

A The supplying and the quartering of the east workers in the Reich were satisfactory, and I received the reports by the Reich nutritional offices.

Q Can you tell us something about Rosenberg's general attitude toward the eastern people?

A As I have said before, Rosenberg personally wanted to get the eastern people to cooperate, especially in the direction of guaranteeing their cultural life. Rosenberg, as much as I know, always intervened for re-opening of the colleges and special schools.

Q Did Rosenberg have to fight any limitations on that subject?

A Against these intentions of Rosenberg there were strong forces in the field, especially in the Fuehrer's headquarters, in the persons of Bormann and Himmler, whose attitude was much supported by Reich Commissar Koch, who himself in his work against Rosenberg was supported by Bormann and Himmler. That led to the fact that a large number of measures which Rosenberg had planned, especially in the Ukraine, were sabotaged by Koch.

Q Only one last question: Did you know about the concentration camps and about the treatment of the inmates in protective custody?

A The existence of concentration camps, of course, was known to me; about the number of concentration camps and what happened in them, not. During the years of 1933 and 1934 various reports were made about individual mistreatments. Later, persons who visited concentration camps turned in definitely positive reports. In the last days of April of last year, near Berlin, I met inmates of concentration camps marching back. Conditions were so terrible that I immediately saw Himmler and asked him not to let these people go on marching but to turn them over to the enemy. That conference took place in the presence of Field Marshal Keitel. But the answer was a very indefinite one. That is all that I can say about this matter.

Q There is one more question that just came to my mind. In the occupied

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eastern territories, outside of the nutritional problem of the armed forces, was it also taken into consideration to get foodstuffs for the German people?

A About two thirds of the deliveries of foodstuffs from the eastern territories was for the armed forces immediately. The remaining third was shipped to Germany, and we always considered it an equivalent for the nutrition of the foreign workers, whose number was mounting continuously.

DR. THOMA: Thank you. I have no more questions.

THE PRESIDENT: Do any of the Defendants Counsel wish to ask any questions?

DR. SEIDL: Dr. Seidl, Counsel for Dr. Frank.

BY DR. SEIDL:

Q Witness, you were also state secretary in the Reich ministry for nutrition and agriculture, is that correct?

A Yes.

Q Is it correct that the chief of the main department for nutrition and agriculture in the General Government was frequently in Berlin in order to discuss there the quotas, in order to achieve a measure which would be supported by the population?

A As much as I remember, during the negotiations which took place with the General Government he variously expressed that opinion.

Q According to your own observations, what was the nutritional situation of the population of the General Government?

A According to my own observations and the reports which I received, the rations which had been established were lower than in the Reich, but black market and the open market produced equivalent --

Q Is it correct that efforts were made to increase agricultural production by the General Government?

A Considerable efforts were made, and one can safely say that the entire economy, as much as it was not used for armament, was working for nutrition. Besides, fertilizer was shipped from the Reich; also agricultural machinery.

Q What part did delivery from occupied countries have in the entire requirement of foodstuffs for Germany?

A According to the calculations which were made by our ministry, the part of the deliveries from occupied territories in the total food requirement of

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Germany in 1942 and 1943 amounted to about 15 percent; during the other years around 10 percent. Mostly less.

H0112-0098

Q Now one last question: The Soviet Prosecution has submitted a document -- USSR 170. It deals with a meeting with the chiefs of the German offices in occupied territories on 6/8/42, under the chairmanship of the Reichmarshal. I present to you this document (document is handed to witness) and want you to tell me whether the description given in that document characterizes the relation between Germany and the occupied territories correctly. You were present at that meeting, were you not?

A The document represents the minutes of the meeting, in which I took part. First I have to say that the document --that is to say, the minutes -- contains the speech of the Reichmarshal, and the actual relations are not correctly described between Germany and the occupied territories. The demands which Goering made in this meeting were so high that they could not be taken seriously. In the department of nutrition it was clear to us that by force we could not achieve anything in the long run. The extra demands which Goering had made in that meeting were never fulfilled. I also believe that Goering himself did not believe that these quotas could be filled. As much as I know, these extra demands to France by Goering were never submitted; Belgium, in spite of a prohibition, received foodstuffs; so did Czechoslovakia.

On the day before that meeting there had been a conference by the gauleiters, and as much as I remember they were all under the impression of the increasing difficulties for the population in the west. The western gauleiters were of the opinion that German nutrition would become insufficient, but that a large part of the occupied territories were still having some surplus, that is to say, that the ministry of nutrition did not demand enough from the occupied territories. These demands were seized upon by Goering, and according to his temperament that led to the strong exaggerations contained in this document of the minutes.

DR. SEIDL: I have no more questions.

DR. SERVATIUS: Dr. Servatius, Counsel for the Defendant Sauckel.

H0112-0099

BY DR. SERVATIUS:

Q Witness, what was the condition of nutrition of foreign workers in Germany?

A All groups of foreign workers, with the exception of the eastern workers, received the same rations as the German population.

Q And what about the eastern workers?

A The eastern workers received, in certain areas, lower; in certain others, higher rations. As much as I remember about bread and potatoes --

Q Was it so that the state of health of the workers was endangered?

A That question cannot be answered definitely. It must be considered in connection with the kind of work that these people were doing. Normally these rations were sufficient.

Q Did Sauckel intervene for better nutrition of these workers

A As much as I know, Sauckel has spoken several times to my minister concerning better supply of food, and minister Backe always answered with the demand that he should not bring any more workers to Germany. Backe has repeatedly suggested to reduce the number of workers and to supply them better with food.

DR. SERVATIUS: I have no more questions.

H0112-0100

DR. STEINBAUER: Dr. Steinbauer, for the defendant Seyss-Inquart.

BY DR. STEINBAUER:

Q Witness, in your capacity as State Secretary for Agriculture didn't you come to Holland also at the end of 1944 or the beginning of 1945?

A Yes. At that time I was in the Netherlands.

Q Was it not so, that there, on that occasion, the armed forces and the police had serious complaints about Dutch agriculture, especially about the responsible officials in Holland?

A I cannot remember a conversation of that kind.

Q Do you know that the defendant Seyss-Inquart intervened for the reduction of food from Holland to Germany?

A Yes, also in that meeting, which this document describes.

Q And that especially in spite of complaints, he left the Dutch officials in the Nutrition Department?

A Yes, that is the case.

DR. STEINBAUER: That is all.

DR. FLAECHSNER: Flaechsner for the defendant Speer. May I put several questions to the witness.

BY DR. FLAECHSNER:

Q Witness, could you give me information about the following questions? The workers, the inmates of concentration camps, working in the armament industry, did they get the same rations and additional rations for heavy work, such as the heavy workers?

A During the time, the period when he was concerned with these questions, all inmates, that is, also concentration camp inmates, got the same rations if they were working; therefore, they should have received the same rations.

Q The defendant Speer, or the ministry under his direction, were they competent for the establishment of rations in these industries, provided that the industries were supposed to acquire the rations?

H0112-0101

A No, the ministry was not competent. As far as supply was concerned, the nutrition officers were competent. As far as distribution was concerned, the people in charge of the camps or in charge of the industries.

Q And one further question. What measures had Speer taken in order to prevent a general catastrophe, a nutritional catastrophe, which would also have affected the foreign workers in Germany. Can you tell me something about that?

A Beginning with December 1944, Speer put the tasks of armament behind the problem of nutrition -- very definitely so, with the thought of transferring that problem to a new power, power of occupation. Speer saw to it that seed for the spring could be brought with his means of transportation. Speer strongly intervened for the reconstruction of the food industry which had been damaged by air attack, and first of all, during that last phase, Speer, together with others, prevented the non-sensical destruction of food industries against directives received by Hitler. The latter, he did without concern of consequences to his person.

DR. FLAECHSNER: Thank you.

DR. LATERNSER: Dr. Laternser, counsel for the General Staff and the OKW.

BY DR. LATERNSER:

Q Witness, did you participate in the world war?

A Yes.

Q In what position?

A As commander of a battalion.

Q During the Western Campaign, did you receive any dubious order, I mean to say: orders which were in violation of international law?

A No, I have not received any such orders.

H0112-0102

Q Could you determine or have you determined that by higher military officials, looting was tolerated?

A No. On the contrary, in the case of looting, strong measures were taken.

Q Later, you were in the East also, but as I have heard, not as a soldier. Could you observe there, things concerning operations?

A Yes.

Q What was the treatment of the local population there by German soldiers?

A In general, I can say that especially in the Ukraine, the treatment of the civilian population in the operational area was better; one took more consideration of the necessities than in the part under civilian administration.

Q And what do you think is the reason for that difference?

A The reason may be another attitude, a different attitude of the soldier, who was free of political tendencies and also that, of course, they wanted to have peace and quiet behind their back.

DR. LATERNSER: Thank you, I have no more questions.

THE PRESIDENT: Will the Prosecution want to cross examine?

MR. DODD: I can be through in two minutes, if your Honor please.

CROSS EXAMINATION

BY MR. DODD:

Q Were you a member of the Nazi Party?

A Yes.

Q Yes?

A Yes.

Q When did you join?

A 1925.

Q 1925?

A Yes.

Q You were also a member of the SA?

A Yes.

Q What rank did you hold in the SA?

A Finally I became Gruppenfuehrer of the SA.

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Q Previously, you were an SA Sturmfuehrer, weren't you?

A In 1930, yes.

Q When did you become an SS Gruppenfuehrer?

A In October 1944.

MR. DODD: That is all. I have no other questions.

THE PRESIDENT: Have you any questions to ask in re-examination?

DR. THOMA: No.

THE PRESIDENT: Well, that concludes your case in behalf of the defendant Rosenberg, does it not?

DR. THOMA: Mr. President, I would like to state that the document R-091, which General Rudenke referred to before, that I have not submitted that as an exhibit. General Rudenke has referred to R-091. I have not submitted it, I do not submit it, and I want to withdraw it. Secondly, Mr. President, may I say that a number of affidavits still have not come, which have been approved, but which have not been received yet from abroad.

THE PRESIDENT: You can mention them later, of course.

DR. THOMA: Thirdly, I should like to put the request that my document book No. 1, so it may not be accepted in evidence, should be left in the same-- that I should consider it for the purpose of argument as probative -- such as, I was informed by the decision of the 18th of March 1946, that is to say, not in evidence, not as a matter of proof, but just as argument. I assume that that had been approved previously and that only and that it is only rejected.

H0112-0104

GENERAL RAGINSKY: I should like to give a short explanation. The document under Exhibit R-19, which represents a letter which Riecke addressed to Rosenberg, dated 13 March 1943, was submitted by the defense counsel, Dr. Thoma, and you can find it in the second book of documents on page 42. It was translated into all four languages and is in possession of all the prosecutors and the Tribunal, in its decision, accepted this document from the defense counsel.

THE PRESIDENT: General Raginsky, the position is this, that a document doesn't go into evidence unless it is offered in evidence. Dr. Thoma has not offered this document in evidence and I understand that the Soviet prosecution has not offered it in evidence. If you want to offer it in evidence and the document is an authentic document, which I suppose it is, you can offer it in evidence.

GENERAL RAGINSKY: Yes. We didn't offer it as evidence, only because of the fact that it is already contained in the book of documents; therefore, we didn't have the necessity to present it.

THE PRESIDENT: You see, documents don't go into evidence unless they are offered in evidence. The fact that they are in the books, doesn't mean that they are in evidence; therefore, if you want to offer it in evidence, you must do so.

GENERAL RAGINSKY: Yes, Mr. President, we are going to offer it in evidence now.

THE PRESIDENT: Very well; you will give it a USSR number.

GENERAL RAGINSKY: Yes, we are going to give it a USSR exhibit number, and will offer it in evidence.

THE PRESIDENT: Very well.

GENERAL RAGINSKY: Thank you.

THE PRESIDENT: Now, we will proceed to deal with the supplementary applications.

H0112-0105

SIR DAVID MAXWELL FYFE: If your Lordship pleases, the first application is that of Dr. Seidl's with regard to two witnesses; first of all witness Hilger, who was previously granted as a witness for the defendant von Ribbentrop but withdrawn by counsel on the 2nd of April. I believe that the witness is in the United States and that there is a report that he is too ill to travel. But apart from that, my Lord, the purpose of the witness is to give evidence as to discussions and treaty negotiations which took place in the Kremlin at Moscow before the German-Soviet agreement of the 23rd of August, 1939, and the allegation states the conclusion of the alleged secret agreement dealt with in the affidavit of the witness Gauss.

My Lord, the other application is for a witness von Weizacker, who is going to deal with the same point.

The Prosecution, of course, loyally accepts the decision of the Tribunal on the admissibility of the Gauss affidavit but I respectfully submit that that does not affect this point. What is desired is to call witnesses as to the course of the negotiations before these treaties, before an agreement was arrived at in respect to these treaties and that is a point which we have had several times and, of course, while all circumstances have a slight difference, the Tribunal have, as far as I know, ruled universally up to now that they will not go into antecedent negotiations which have resulted in agreements.

There is also the position that, of course, Dr. Seidl has put in the Gauss affidavit and he has had his opportunity to examine the defendant von Ribbentrop and the Prosecution respectfully submit that to call two secondary witnesses, without any disrespect to their position in the German Foreign Office, they are witnesses of a secondary importance compared with the defendant von Ribbentrop, to discuss these negotiations seems to the Prosecution to be going into irrelevant matter and entirely unnecessary for the purposes of this case.

I confess I do not myself appreciate any special relevance that these witnesses could have to the case of Hess but I do not put it so strongly on that ground. I put it on the ground which I have just outlined to the Tribunal.

With regard to the third application of Dr. Seidl, I am not quite sure whether he means that he wants the Prosecution to provide him with an original or certified copy of the secret agreement or whether he desires to tender a copy

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himself. But with regard to that again the Prosecution take the line that that point which after all is only one tiny corner of one aspect of the case, is sufficiently covered by the evidence which has already been brought out before the Tribunal from the affidavit of Ambassador Gauss and the evidence of the defendant Ribbentrop.

That is the position of the Prosecution with regard to that.

THE PRESIDENT: Yes, Dr. Seidl?

DR. SEIDL (Counsel for defendants Hess and Frank): Mr.

H0112-0107

President, the affidavit of the Ambassador Dr. Gauss which had already been accepted by the Tribunal is in evidence under Number H016, gives part of the negotiations. Ambassador Dr. Gauss was not present at the negotiations which took place before the pact was made. I have therefore made the motion to call Legation Secretary Hilger as a witness after he had already been approved as a witness for the defendant von Ribbentrop. I have, furthermore, requested that the Tribunal should get the text of that secret additional agreement. I have to admit, however, that this request has no longer the importance which it had at the time when it was made. In the meantime we received a copy of that secret agreement.

Furthermore, I have a copy of the additional secret agreement concerning the German-Soviet border pact and furthermore, I have an affidavit by Ambassador Dr. Gauss of the first of April of this year from which the identification with the text which had been drafted on the 23rd of August and the 28th of September, 1939.

THE PRESIDENT: Sir.David, have you any objection to that document being produced for the consideration of the Tribunal?

SIR DAVID MAXWELL FYFE: Not at all, my Lord. As I say, the Tribunal has considered our objection on relevance and we have lost on it and therefore it is not really open to me to argue any question of the relevance of the document in view of the decision of the Tribunal.

The only point that I make is that Dr. Seidl produces an alleged copy of the treaty, supported by an affidavit of Ambassador Gauss then it immensely strengthens my argument, I submit, against him being allowed to call the witnesses.

COLONEL POKROV KSY: The Soviet Prosecution on the question which is now being discussed by the Tribunal today has submitted a document to the General Secretariate of the International Tribunal. If this document is already in your possession then I need not talk about our position here. But, if you find it necessary I am going to speak about it here. We are against it because of the statements----

THE PRESIDENT: Are you presenting an argument or a document of

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some sort?

COLONEL POKROVSKY: No, I am not going to argue about it and return to this question if you have this document.

THE PRESIDENT: You misunderstood me. You mentioned a document which you answere was in the possession of the Tribunal. I am not aware that we have got any document from the Soviet Prosecution. It may be that it has been received and if so we will consider it, of course.

What I wanted to know is whether it was an argument or an original document of some sort.

COLONEL POKROVSKY: The question here is regarding the official answer of the Soviet Prosecution on the question as to whether we consider it necessary to consider the request of Dr. Seidl regarding a group of questions connected with the German-Soviet Pact of 1939.

THE PRESIDENT: We will consider the document.

COLONEL POKROVSKY: You think it would be possible to be

H0112-0109

content with just the document which is in your possession now?

THE PRESIDENT: Well, certainly, unless you wish to say anything. We will consider the document.

COLONEL POKROVSKY: There is going to be no further information regarding it. Our position has been in detail stated in this document and if you have this document before you now I have nothing more to say regarding it.

DR. SEIDL: Mr. President, on the 13th of April I had made a written motion to be permitted to submit an annex as Exhibit Hess 17. I have submitted this document in six copies with the request to have them translated. They are the following documents: first, a German-Soviet non-agression pact of 23 August, 1939, which was submitted under G.B. 145 by the Prosecution; second, the supplementary protocol of the same date; third, the German-Soviet friendship and border pact of 28 August, 1939; fourth, the secret supplementary protocol of the same date, which belongs to it, and fifth, the second affidavit which I have mentioned before by Ambassador Dr. Gauss.

Furthermore, on the 15 of April I made the motion to call the witness Dr. Gauss here before this Court -- he is in Nurnberg -- if the Tribunal does not consider the affidavit sufficient.

H0112-0110

I ask the Tribunal to make its decision about these motions.

THE PRESIDENT: The Tribunal will consider the matter.

Now, with reference to von Neurath.

SIR DAVID MAX ELL-FYFFE: My Lord, this an application for a witness Dieckhoff, in regard to whom interrogatories have already been granted. As I understand, the reason is that witness Tirpke has been found to have retired from the German Foreign Office some eighteen months earlier than was thought. Baron von Ludinghausen has suggested that, to balance the calling of Dieckhoff as a witness, he will give up the calling of the witness Zimmermann and have an affidavit of interrogatory instead. My Lord, that seems to the Prosecution a very reasonable suggestion and we have no objection.

THE PRESIDENT: You mean, no objection to Dieckhoff as a witness and Zimmermann for an affidavit or interrogatories?

SIR DAVID MAXWELL FYFFE: Yes, My Lord.

THE PRESIDENT: Very well.

SIR DAVID MAXWELL FYFFE: My Lord, that is all with regard to the defendant von Neurath.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL FYFFE: Then, with regard to the defendant Schacht, it is only the petition of the witness Hilser, and the Prosecution does not really mind whether Dr. Dix calls him or puts in an affidavit. I think that it is only a question of whether the witness will be available to come here from Hamburg and, if he is available, we have no objection to him being called as a witness.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL FYFFE: Then My Lord, next one on the list is an application on behalf of the defendant Sauckel, with-drawel of interrogatories for Mende granted on the 23rd of March as the prospective witness is not located and interrogatories for Marenbach in place of Mende, who can give the same testimony. Dr. Servatius believes that Marenbach is located at the Garmisch internment camp. The Prosecution have no objection to that.

My Lord, I think there was a formal one from Dr. Thoma with regard to the use of the sworn statement by Professor Denker, but there is no objection to that.

THE PRESIDENT: We have already allowed that.

SIR DAVID MAX ELL FYFFE: You have already allowed that, this is only the

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formal application.

THE PRESIDENT: Yes, very well, Then we will consider those matters. There are a number of documents, the production of which the Defendant Sauckel's counsel is applying.

SIR DAVID MAXWELL FYFFE: Yes.

THE PRESIDENT: It has been suggested to us that counsel for the Defendant Sauckel and counsel fo the Prosecution could help us over that matter.

SIR DAVID MAXWELL FYFFE: My Lord, my friend, Mr. Roberts, has been dealing with Dr. Servatius upon this point; so, perhaps he could help the Tribunal.

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THE PRESIDENT: Mr. Roberts, will it take a long time for that or not?

MR. ROBERTS: My Lord, I do not think so. The Tribunal, I understand--

COLONEL POKROVSKI: I should like to tell the Tribunal that the Soviet Prosecution did not receive any documents regarding which the British Prosecutor just spoke and we ask not to discuss these documents until the moment when we shall have the opportunity to see them.

THE PRESIDENT: I understand that that these documents have not been translated yet. The question really is the preliminary one of which documents should be translated, and we were only going through the documents in order to see which documents were sufficiently relevant to be translated; so that it would not be--

COLONEL POKROVSKI: Very well.

MR. ROBERTS: My Lord, the Tribunal, I understand, has made a preliminary order of just striking out the documents which Dr. Servatius and I agreed should not be presented. My Lord, that leaves a very large number of documents, of which I think the Tribunal has a list. My Lord, the first sixty-eight documents, or rather from documents 6 to 68, are regulations dealing with the conditions of the employment of labor in Germany. My Lord, I have seen Dr. Servatius' proposed document book and he has marked certain

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passages which he would desire to read and which would have to be translated, My Lord, and that does cut down the bulk of the documents very considerably.

THE PRESIDENT: Well, of course, we have not read all these documents yet and as they are not translated, can you indicate to us whether you have any objection to them being translated?

MR. ROBERTS: My Lord, I do not think I could object to those first documents from 6 to 68. The passages marked are being translated because from their description they appear to be relevant.

THE PRESIDENT: Yes, 6 to 68.

MR. ROBERTS: Yes, My Lord.

THE PRESIDENT: You mean the passages which are actually marked?

MR. ROBERTS: Yes, My Lord.

THE PRESIDENT: Then will you go on?

MR. ROBERTS: Yes, My Lord.

THE PRESIDENT: 69 to 79 he has already struck out.

MR. ROBERTS: Yes, My Lord. My Lord, 80 and 81 I object to. They are documents making allegations of the breach of the Hague Regulations by the Soviet nation. My Lord, I submit that that is not relevant.

THE PRESIDENT: The allegations of illegal acts by the Soviet Government with reference to individuals?

MR. ROBERTS: Yes, My Lord. My Lord, I submit that that could not be relevant at all.

THE PRESIDENT: Yes, and 82 and 89 you do not object to those?

MR. ROBERTS: My Lord, I do not object to those, the passages as marked.

THE PRESIDENT: Yes.

MR. ROBERTS: Dr. Servatius promised, as far as he could, to cut down the passages which were going to be marked.

My Lord, 90 and 91 I object to. Dr. Servatius wants to put in under the description of documents a large number of affidavits, the number of which I think is not yet ascertained, affidavits by various persons as to the conditions of labor and the conditions under which foreign workers were employed. My Lord, the defendant Sauckel has been allowed a certain number of witnesses

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and also affidavits or interrogatories from other people. My Lord, I submit that this application under 90 and 91, two files of affidavits, is not really an application for documents at all, and it should be disallowed.

My Lord, No 92 --

THE PRESIDENT: No.92 he has struck out

MR. ROBERTS: 92 has been struck out.

My Lord, No. 93 is, in fact, a book, which was referred to be the French Prosecutor, and , therefor, of course, Dr. Servatius would be entitled to refer to it in his case.

THE PRESIDENT: Are the passages marked in that or not?

MR. ROBERTS: Well, he has not marked any as yet. There are some pictures, My Lord, of --

THE PRESIDENT: He only wants the pictures?

MR. ROBERTS: I think so, My Lord, showing the cherubic happiness of the foreign workers in Germany.

THE PRESIDENT: Yes.

MR. ROBERTS: My Lord, 94 is an affidavit of Sauckel's son. It is only required, I understand, if one of three other witnesses, who have been allowed, are not available. My Lord, it is to deal with the allegation that Sauckel ordered the evacuation of Buchenwald and, My Lord, I cannot object to this very short affidavit if Dr. Servatius cannot produce one of the three witnesses who have been allowed to him.

My Lord, 95 are Sauckel's speeches, and Dr. Servatius again has promised to cut down the passages which he has marked. It is difficult to object to that in view of the allegation of conspiracy.

THE PRESIDENT: Yes.

MR. ROBERTS: My Lord, 95 and 97 are books, in which there are very short extracts, which have been marked, and, again, as it deals with a relevant period of the alleged conspiracy, Mr Lord, I do not see how I can object to that.

THE PRESIDENT: In the same category, yes. Does that meet with your views Dr. Servatius?

H0112-0115

DR. SERVATIUS: Yes, principally, I have negotiated with the Prosecutor and this is the result: Only to a few documents I would like to say something; that is documents 80 and 81. One is the photostat of the deportation order of the City of Hoelz; the other one an affidavit concerning forced labor in Saaz. I need the first document in order to prove that the convention of the Hague was obsolete; that is to say, that before the armistice, already during the fighting, the population of the Eastern German territories was sent to Russia for forced labor; and I have supplemented the motion because I thought it was too meager for proof to find out from the mayors of cities in East Prussia that the larger part of the population has been deported for work for forced labor. I believe that, in order to prove that the Convention of the Hague in the East was considered non-existent, is of great importance for the defense of my client.

Document 81 deals with a condition after the armistice but which appears only as a continuation of that which has occurred in the East and confirms that under the occupation of the Soviet Army that condition continued to exist, that is to say, the recruitment of the population for work, not within the sense of the Convention of the Hague for the repair of roads but also for the purpose of work in industry and activities outside of the framework of the Convention of the Hague.

I do not believe that I should be refused these matters of proof, to use these matters of proof.

Documents 90 and 91, it has already been spoken about their content. They are two folders with a collection of affidavits. The attempt is made to bring counterproof against an investigation made by a government with which we were confronted.

We have received reports by the Soviets which are a combination of individual cases put together like a Mosaic. There are mass conditions which can only be understood in this sense.

I have already explained that I have not a government available which could make a report of that kind, and I am suggesting that at first I shall bring a collection of affidavits concerning these conditions, and I do not intend to submit every one of these affidavits. My motion is that the Court should appoint one judge who should study that folder and report about it, make a report about it to the Tribunal. That is the thing which later, in dealing with political organizations, they will have to be confronted with. That is the problem, how these mass conditions can be presented to the Tribunal.

If I bring a single witness, one individual witness, one could say "Well, one witness cannot cover the entire ground." On the other hand, I cannot come here with a hundred or more witnesses. So this would be a medium solution, a solution that one person should study the material and then give a report. That is the content of these two folders.

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H0112-0117

THE PRESIDENT: How many affidavits have you in mind or have you obtained?

DR. SERVATIUS: So far it is still very small, what I have received. It appears that those who know something are very concerned and very reticent, because they are afraid they will be prosecuted. But I hope to be able to make a selection of sensible statements, and I believe that there will be about 20 or 30 affidavits. Of course I would limit it to that, because I am not interested in occupying the Court with unnecessary work.

At the present state of my collection I even have to be afraid that I will have to withdraw my motion, because I have to admit myself that so far up to now the amount of material is very small; but I wish that the possibility would be left open for me and when it comes to it I should like to present it to the Court again.

THE PRESIDENT: Yes. Is that all you want to say?

DR. SERVATIUS: There is still Document Number 93, the illustrated booklet, "Europe Works in Germany."

THE PRESIDENT: Did the Prosecution object?

DR. SERVATIUS: No, the Prosecution didn't object. I only would like to show some pictures and projections. It is the problem to demonstrate under what conditions these people arrived from the East and what they looked like later, such as it can be shown in a pamphlet.

THE PRESIDENT: Yes, thank you.

MR. ROBERTS: There was one other point which I ought to mention. Perhaps Dr. Servatius would be good enough to listen.

My Lord, Dr. Servatius has applied in writing to the Tribunal, by letter dated the 5th of March 1946, for all medical reports of Dr. Jaeger, who was a chief camp doctor at Krebs-Essen. Secondly, all monthly reports of a man called Groene, who was a colleague of Dr. Jaeger. Thirdly, all minutes of monthly conferences which the chief camp leader held with his subordinate camp leaders at Krebs.

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My Lord, the position is this: That the French put in -- oh, I think our American colleagues put in an affidavit of Dr. Jaeger, and Dr. Jaeger himself has been granted as a witness for Sauckel, and so he will be seen in the witness box.

My Lord, the Prosecution have no objection to Dr. Jaeger being asked, I suppose, to bring his reports with him if they are available. We haven't got them, and I don't think we know where they are, but the witness is being called.

DR. SERVATIUS: The bulk of these documents I have received already, and I assume that I will also receive the rest. I believe the material which I have now is sufficient for my purpose so that it is not necessary to bother the Prosecution any more.

THE PRESIDENT: You mean we need make no order?

DR. SERVATIUS: It is not necessary.

THE PRESIDENT: The Tribunal will adjourn now.

(The Tribunal adjourned until 18 April 1946 at 1000 hours.)